



Village of Palmetto Bay

ZONING ANALYSIS

APPLICANT: Palmer Trinity Private School, Inc.

PH: VPB-07-012-B

PROPERTY ADDRESS: 7900 SW 176th Street,
8001 SW 184th Street

ITEM: 2

ZIP CODE: 33157

HEARING DATE: May 4, 2010

SECTION: 34-55-40

CONTINUED FROM ORIGINAL HEARING DATE: April 14, 2008

COUNCIL DISTRICT: 3

HEARING DATE: February 25, 2008

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; **APPROVING/DENYING** THE APPLICATION OF PALMER TRINITY PRIVATE SCHOOL, LOCATED AT 7900 SW 176TH STREET THROUGH 8001 SW 184TH STREET; **APPROVING/DENYING** THE SPECIAL EXCEPTION REQUEST TO EXPAND THE SCHOOL TO INCLUDE AN ADDITIONAL 32.2 ACRES, AND AN ADDITIONAL 550 STUDENTS AS PROVIDED FOR UNDER 33-151, ET SEQ., OF THE COUNTY CODE; AND PURSUANT TO SECTION 33-311 OF THE MIAMI-DADE COUNTY CODE FOR A SITE PLAN MODIFICATION ON PROPERTY ZONED E-M, LOCATED IN PALMETTO BAY, FLORIDA; PROVIDING AN EFFECTIVE DATE.

A. INTRODUCTION

- REQUEST(S):

1. **Special exception for the expansion of a private school to increase the enrollment from 600 to 1,150 students** [Original plan from 2008 hearings proposed 1,400 students on 55 acres (from 22.5 acres). See analysis from the 2008 hearings as to the original details of the student expansion]. See Exhibit 1, the April 19, 2010 plan.

The expansion plan proposes one of two alternatives – (1) an expansion of students to include grammar school children - kindergarten through grade 5 and increase the enrollment of students in grades 6 through 12; or, alternatively (2) solely an increase in middle school and high school students (grades 6-12). In the proposed revised site plan, dated April 19, 2010, the Applicant removed the daycare, and preschool components. In either proposal, the total number of students has been voluntarily reduced by the Applicant from 1,400, which had been requested in the 2008 application, to a total of 1,150 students.

2. **Modification of a previously approved site plan;**

The Applicant has submitted a master plan, which has been revised since its original submittal¹. The final site plan to be reviewed is dated April 19, 2010 and provides for the future use of the entire 55 acre site as a private school and includes its long-range plan for the school's expansion. See Exhibit 1. Accordingly, the Applicant is requesting a modification of its previously approved site plan from 1999, approval is documented at Miami-Dade County resolution C-ZAB-132-99, to reflect Applicant's vision for the school. See analysis from 2008 hearings as to original site plan details, which can be found at Exhibit 2.

Staff review of the special exception and site plan modification is based upon the assumption that the district boundary change request (rezoning) of the site known as 8001 SW 184th Street from AG and E-2 zoning to E-M is approved. Denial of the rezoning would preclude review of the requests contained herein.

3. The 2008 application contained a request for a non-use variance of parking requirements to permit parking on natural terrain, where not permitted. This request has been eliminated from the modified site plan dated April 19, 2010. [See analysis from the 2008 hearings as to the original details of the variance request]. **This request has been withdrawn.**

¹ Applicant filed its application in 2006. The 2006 plan had been modified prior to the February and April 2008 quasi-judicial hearings ("original plan"). The final plan being reviewed is dated April 19, 2010.

4. The original 2008 application contained variance requests for height and number of stories to allow a maximum height of 50'-7" for certain proposed new buildings to include a chapel, a performing arts center, a library/media center/administration building and a gymnasium where 35 ft. is permitted, as well as to allow three (3) stories where two (2) is permitted for the library/media center/administration multi-purpose building. These requests have been eliminated from the April 19, 2010 plan. [See analysis from the 2008 hearings as to the original details of the height and story variances request.] **These requests have been withdrawn.**

The 2008 plan included a steeple up to 70 feet in height. Under the County Code, no variance was required for the steeple, as it would have been permitted "as of right." **The Applicant has voluntarily withdrawn its request for a steeple/church tower and the request is considered withdrawn.**

The Palmer Trinity Private School Campus Master Plan, as revised and dated April 19, 2010, and prior submittals are on file and may be examined in the Planning and Zoning Department of the Village of Palmetto Bay. Plans may be modified prior to and at the public hearing.

- **LOCATION:** 7900 SW 176 Street and 8001 SW 184th Street, Miami-Dade County, Palmetto Bay, Florida.
- **LOT SIZE:** 55+/- Acres

B. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE DESIGNATION

Subject Property:

E-M (existing private school)
Estate Modified Single-Family
(minimum 15,000 sq.ft. lot area)

Estate Density Residential;
less than 2.5 d.u. per gross acre

AG (mango grove)
Agricultural

Estate Density Residential;
less than 2.5 d.u. per gross acre

E-2 (mango grove)
Estate Single-Family
(minimum 5 acres lot area)

Estate Density Residential;
less than 2.5 d.u. per gross acre

Surrounding Properties:

NORTH: E-M; Estate Modified

Estate Density Residential;

Single-Family
(minimum 15,000 sq.ft.
lot area)

less than 2.5 d.u. per gross acre

SOUTH: Town of Cutler Bay

EAST: Bill Sadowski Park;
E-M; Estate Modified
Single-Family
(minimum 15,000 sq.ft.
lot area);

Parks and Recreation
Estate Density Residential;
less than 2.5 d.u. per gross acre

E-1; Single-Family
(minimum one acre lot size)

Estate Density Residential;
less than 2.5 d.u. per gross acre

WEST: E-M; Estate Modified
Single-Family
(minimum 15,000 sq.ft.
lot area);

Estate Density Residential
less than 2.5 d.u. per gross acre

E-1; Single-Family
(minimum one acre lot size)

Estate Density Residential;
less than 2.5 d.u. per gross acre

The Applicant's property is comprised of a 55-acre parcel of land, that was previously zoned under three (3) different zoning classifications (AG, E-2, and E-M), and is surrounded by the Estate-Modified (E-M) Single-Family zoning district. Prior to hearing the application for special exception and site plan modification, the Applicant requested that the 32.22 acres property bearing address 8001 SW 184th Street be rezoned from AG and E-2 to E-M. The zoning analysis contained herein presupposes that the rezoning has occurred. Failure to rezone the property shall result in termination of review of the Applicant's requests for the special exception and site plan modification.

The Town of Cutler Bay is located to the south of Applicant's property. The 8001 SW 184th Street property adjoins the "northern" portion of the property bearing the address 7900 SW 176th Street. Except for the Applicant's existing private school at 7900 SW 176th Street, and Bill Sadowski Park bordering the northeastern portion of the Applicant's property, the surrounding neighborhood is characterized predominantly by detached single-family homes. Canals are located to the west (between SW 84th Avenue and SW 83rd Court) and north (between SW 173 Terrace and SW 175th Street). To the east of the property is Old Cutler Road. To the south of the property is SW 184th Street (Eureka Drive). The canals and roadways serve as immediate natural borders for the residential neighborhood surrounding the Applicant's property and school use. The lots immediately to the east and west along the southern edge of the subject property on S.W. 184th Street are zoned E-1, Single-Family, (one unite per gross acre) and are comprised of single-family homes. To the east and along Old Cutler Road there is a church, a pre-school and kindergarten, Village Library, VMU

(Village Mixed-Use), a commercial and residential use, district, and both the E-1 and E-M sized lots containing single-family home uses.

C. SITE AND BUILDINGS:

Site Plan Review:

Scale/Utilization of Site:	Acceptable with conditions
Location of Buildings:	Acceptable with conditions
Height of Buildings:	Acceptable
Compatibility:	Acceptable with conditions
Landscape Treatment:	Acceptable with conditions
Open Space:	Acceptable with conditions
Buffering:	Acceptable with conditions
Access:	Acceptable with conditions
Parking Layout/Circulation:	Acceptable with conditions
Visibility/Visual Screening:	Acceptable with conditions
Service Areas:	Acceptable with conditions
Signage:	As required under the County Code, Section 33-100.

Art in Public Places: Not a part of this application. The Village requires compliance with Art in Public Places ordinance.

D. NEIGHBORHOOD SERVICES

DERM	No objections, subject to conditions stated in attached report.
Public Works	Objections raised in 2008 by Miami-Dade County Public Works, as stated in the attached report. Objections were addressed by Applicant. Objections raised by Village Public Works during 2008 hearings. See analysis from 2008 for further details. Applicant submitted updated traffic report, which has been reviewed by the Village's Traffic Engineering Consultant, The Corradino Group. All reports attached. Corradino's recommendation is to approve, with conditions.

Parks

Comments requested from Miami-Dade County Parks & Recreation; no objections subject to condition 4.9.

Fire Rescue

No objections, subject to conditions stated in attached report.

Code Compliance

In 2008, the site was found to have code violations and corrective action was undertaken by Applicant. At this time, the sole item remaining to come into compliance is the removal of the two (2) portable classrooms that were to be removed according to the year 2000 substantial compliance review. The portables have not been removed. In 2008-9, Applicant sought a second substantial compliance review, in which Applicant proposed a timetable for bring the portables into compliance by constructing one of the structures from the 1999 plan and then eliminating the portables. Thereafter, in 2009, Applicant sought a construction permit to begin construction on the structure. However, the permit was not processed due to the Village's one (1) year construction moratorium implemented in order to enact the Village's Land Development Code. Applicant includes the building as part of this application and has represented that the structure shall be completed during Phase 1. Thereafter, the portables would be removed.

Archeological Compliance

Miami-Dade County's Office of Historical and Archeological Resources on April 28, 2010, advised the Village that it has recently discovered archeological artifacts within the Bill Sadowski Park, adjacent to the Applicant's property. As a result, in compliance with County and State law, the County has requested an Archeological Survey, and cooperation from the Applicant should any archeologically significant finds be made

on the Applicant's site. See attached request. No objection subject to condition 12.3.

E. IMPACT OF APPLICATION:

PHYSICAL IMPACT: The Applicant currently operates a private school for 600 students on 22.5 acres located at 7900 SW 176th Street. The zoning district boundary change, if approved on May 4, 2010, to E-M would then allow review of the Application to physically expand and construct new buildings and additions to serve the future needs of the school by incorporating the 32.22 acres of land located at 8001 SW 184th Street into the proposed master plan.

The modification to the previously approved site plan (site plan approval was in 1999 for 7900 SW 176th Street) will allow the school's expansion program to proceed (to expand through to 8100 SW 184th Street). The approval of the special exception and site plan modification applications will allow the Applicant to increase enrollment from 600 to 1,150 students and to build facilities to accommodate a kindergarten through grade 5 elementary school; along with an increase in student enrollment in grades 6 through 12; or alternatively to provide for increased student population in grades 6-12 and eliminating the elementary school component to the site². The 55-acre master plan (including both 7900 SW 176th Street and 8001 SW 184th Street) would provide for a performing arts center, chapel, library, visual arts center, pool house, media center, gymnasium, updated dining hall, administrative offices, and new classrooms. Academic studies will remain predominantly 7900 SW 176 Street, with the 8001 SW 184 Street addition to be used for parking and recreational uses. The master plan, and revisions thereto, has been designed by the firm of Duany Plater-Zyberk. In 2008, the landscape architectural plans were presented by Jorge L. Hernandez, of Sanchez & Maddux, Inc. The 2010 landscape design plans have been prepared by Robert Parsely, A.S.L.A., Geomantic Designs, Inc., and are included in the submitted April 19, 2010, revised master plan.

The 55-acre site is proposed to accommodate 1150 students at a ratio of 2,083 sq.ft. per student. The following provides an enrollment and square footage/per student comparison to other public and private school located in the area:

² The site plan requirements would change as it relates to parking and class room space due to what grade is to be utilized. The Applicant has not made a final determination as to the grade expansion. As such, the Applicant's April 19, 2010 plans reflect alternate parking and spacing requirements. Regardless of which use is ultimately provided, elementary or simply enhance middle and senior high school grades, the Applicant has provided the greater accommodation on the plans to ensure that no variances would ever be sought.

Schools ^{1,2}	Size (Acres)	Square Feet	Enrollment			Square Feet per Student		
			2007	2008	2009	2007	2008	2009
Southwood Middle School	18	784,080	1,665	1,610	1,512	471	487	519
Coral Reef Elementary	9.1	396,396	881	878	928	450	451	427
Perrine Elementary	9	392,040	809	840	857	485	467	457
Miami Palmetto Senior High	20	871,200	3260	3167	3087	267	275	282
Westminster Christian	24.2	1,054,152	1280	1160	1160	824	909	909
Coral Reef Senior High	65	2,831,400	2976	3027	2999	951	935	944

Note:

¹ The public school enrollment was provided by Miami-Dade County Public School.

² The private school enrollment was provided by the Florida Council of Independent Schools.

The Applicant's master plan, as revised and dated April 19, 2010, proposes enhanced 50 ft. landscape buffers around the northern perimeter (7900 SW 176th Street); and 75 ft. buffers on the southern perimeter (8001 SW 184th Street) of the property as shown on sheets 11 through 12. The April 19, 2010, landscape plan depicts five (5) different planting concepts using an array of trees (Applicant is required to provide 1,019 trees and has actually provided 1,128 trees), shrubs and ground cover (required: 10,190; provided: 11,456), depending upon the planting location. The master plan maintains open space throughout the campus by clustering principal structures within the central portion of the site. The landscape buffers and open space between the school and the neighboring residences should minimize impacts to adjacent properties. Based on the April 19, 2010 plan, 1,439,333 sq.ft. (33 acres or 60% of the site) shall contained open space. The master plan proposes lot coverage at 9.4 percent, where 30 percent is allowed under E-M zoning.

To accommodate the increase in the number of students and administration, the master plan reflects a traffic circulation plan with on-site parking, and separate circulation pathways. The zoning code requires 837 parking spaces and the plan provides 852 parking spaces. Due to the nature of the use, it would be rare that 837 spaces would be required at any one time. In order not to seek a variance,

the Applicant has withdrawn its request for a variance to park on natural terrain. Applicant intends to use either asphalt or brick pavers, depending upon cost and availability. The pavers would assist in drainage of the site. The Village has used pavers, rather than asphalt, in several areas of the Village, including the roundabout of the Village's Library and several traffic circles. The Applicant is providing bicycle racks to accommodate 72 bicycles.

Approval of the special exception and site plan modification would create certain traffic impacts as documented in the attached traffic analysis from the Applicant, and supported by the Corradino Group's analysis (the Village's expert traffic consultant). The updated report reflects the 1150 students and associated trips relating to travel to and from the site and proposed mitigation factors. The 8001 SW 184th Street site would provide two (2) driveways through approximately, the middle of the property, for middle and high school student and teacher driving and parking uses; stacking (note: the number of auto staking spaces provided is 130, while 5 is required) to store vehicles as they enter the SW 184th Street property; signalization modifications at Old Cutler Road and elsewhere; signage modifications; and right and left turning lanes (deceleration lanes) into the school from SW 184th Street. The existing north entrance off 176th Street is to be reconfigured and is to be used exclusively for parent drop-off of children. The plan proposes the use of decals separating drop-off vehicles from teacher vehicles and a upper class student vehicles that are entitled to park on the property. Drop-off decaled vehicles may use the SW 176th Street entrance. Student and teacher decaled vehicles shall solely use SW 184th Street. Deliveries are to be made through SW 184th Street.

ECONOMIC IMPACT: The proposed expansion of Palmer Trinity Private School onto the adjacent 32.5 acres, consists of an existing agricultural grove. In 2007, the land was valued at \$16.2 million, of which the school pays taxes on \$580,000. This result in an annual property tax assessment of \$11,814.74. The Village's tax share was approximately \$1,400, annually.* In 2008 and 2009, the market value of the land was \$13,950,000 and \$7,110,000, respectively. This results in an annual property tax assessment of \$13,950,000 and \$295,000, respectively. The reported Village's tax shares for fiscal years 2008 and 2009 were approximately \$1,280.00 and \$721.86, respectively. Approval of the expansion of the private school onto 8001 SW 184th Street will remove the property from the property tax roles. If the property was re-zoned to E-M and developed for single-family usage, the property would be subdivided into approximately 79 single-family homes at 15,000 sq.ft. minimum lot size.

**Dollar amount is based on the 2007, 2008 and 2009 assessed property taxes for the subject parcel.*

F. ZONING HEARING HISTORY: (2-ZAB-85-61; 4-ZAB-159-79; 4-ZAB-177-85; 4-ZAB-179-88; and C-ZAB-132-99)

7900 SW 176th Street :

On November 22nd, 1961, the Miami-Dade County Zoning Appeals Board approved a special exception to permit a school use and facilities incidental thereto, including but not limited to classrooms, dormitories, library, cafeteria, chapel, gymnasium, athletic field, and swimming pool at the EU-M zoned property.

On April 12, 1979, the Miami Dade County Zoning Appeals Board approved, via resolution 4-ZAB-159-79, under the special exception process, the request to expand the private school and granted an unusual use to permit outdoor table dining area for the student population.

On May 15, 1985, the Miami-Dade County Zoning Appeals Board approved, via resolution 4-ZAB-177-85, a modification of Condition no 2 to Resolution 4-ZAB-159-79, under the special exception process, to revise the site plan for the existing private school to include a school classroom building expansion and an additional parking area.

On April 27, 1988, the Miami-Dade County Zoning Appeals Board via zoning resolution no. 4-ZAB-179-88, approved the application to modify Condition no.: 2 to Resolution 4-ZAB-159-79, to revise, under the special exception process, the site plan for the existing private school to allow for the construction of a two-story library/administration/classroom structure; a redistribution of classroom and parking areas (allow a non-use variance to permit 152 parking spaces where 174 was required); continued use (under a non-use variance request) of the 19 ft. wide, two-way drive where 22 ft. is required with fewer parking spaces than previously provided; and, to allow for an addition of 200 students for a total of 600 students.

On March 16, 1999, the Miami-Dade County Zoning Appeals Board, via zoning resolution no. C-ZAB-132-99 approved, a modification of Condition no. 2, to resolution 4-ZAB-177-85 and resolution 4-ZAB-179-88 to allow a plan modification to provide a non-use variance of parking requirements to provide 205 parking spaces where 363 were required, a non-use variance of setback requirements to allow the existing basketball and tennis courts to remain at 18 ft. the deletion of the Fine Arts Building from the plan, and to limit the height of the chapel steeple to 35 ft.

8001 SW 184th Street:

The zoning history summarized above is related to the existing school's 22.5 +/- acre parcel. No public hearings with regard to site plan approval have taken

place related to the 32.5 +/- acre parcel, 8001 SW 184th Street, acquired by the school in 2003 is adjacent to the existing school site. The 2008 hearings resulted in a ruling solely as to the Applicant's district boundary change request. On April 14, 2008, the Village Council denied the Applicant's request for a zoning change from AG and E-2 to E-M. The decision not to rezone the property precluded the council from ruling on the physical expansion of the Applicant's school and associated modification of the site plan request.

Thereafter, a Petition for Certiorari review (appeal) was timely filed. The Village Council decision was affirmed by the Circuit Court Appellate Division. Applicant filed a second tiered Petition for Writ of Certiorari (second tiered appeal) to the Third District Court of Appeal. On March 24, 2010, the Third District Court of Appeal issued an opinion in Applicant's favor. On appeal to the Third District, the Applicant contended that the Circuit Court departed from the essential requirements of law in upholding Ordinance 08-06 because the current zoning classification of the surrounding properties renders Parcel B [8001 SW 184th Street] an "island" or "peninsula" resulting in impermissible "reverse spot zoning." The Third District agreed with the Applicant's arguments and concluded that the Circuit Court Appellate Division's decision upholding Village Ordinance 08-06 constituted a departure from the essential requirements of the law resulting in a miscarriage of justice. (Note: Reverse spot zoning occurs when a zoning ordinance prevents a property Applicant from utilizing his or her property in a certain way, when virtually all of the adjoining neighbors are not subject to such a restriction).

G. COMPREHENSIVE PLAN

1. Goal 1 of the Future Land Use Element is to guide the Village from birth to early maturity as an outstanding and truly livable community by building upon, 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.

2. The adopted 2005 Village of Palmetto Bay Future Land Use Plan of the Comprehensive Plan designates the site Estate Density Residential (EDR). Pursuant to policy 1.1.1, the residential densities allowed in this category shall not exceed 2.5 dwelling units per gross acre. This density category is characterized solely³ by detached single-family homes on relatively large lots.

³ The language of the Comprehensive Plan indicates "solely" single-family. In actuality, the majority of the Village's EDR designated area encompasses solely detached single-family units (no duplexes or multi-family units). As can be seen from the zoning map there are public and private schools, churches, etc, within or surrounding the detached single-family units in the EDR designated area. Additionally, other provisions of the Comprehensive Plan allow public schools and churches in the EDR designation.

3. Pursuant to policy 1.1.5, houses of worship and other permitted non-residential uses continue to be allowed in all land use categories on the Future Land Use Map (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 to the maximum extent possible. Therefore, in residential land use areas, houses of worship and other permitted non-residential uses, including private and public schools, are allowed, on a conditional basis (zoning requires a special exception application).
4. Pursuant to policy 2A.1.7, the issuance of all development orders for new development or significant expansions of existing development shall be contingent upon compliance with the level of service standards contained in the Comprehensive Plan.
5. Pursuant to policy 2A.5.4, the Village is committed to providing safe routes to school for local elementary schools within municipal boundaries consistent with the rules and regulations of Chapter 1006.23, of the Florida Statutes.
6. Pursuant to policy 2C.1.4, the Village is to coordinate with Miami-Dade County to determine the feasibility for widening SW 184th Street from two-lane to five-lanes with bicycle lanes and sidewalks to enhance access to the Florida Turnpike and relieve pressure on the already over-capacity section of Old Cutler Road within municipal boundaries. Furthermore, emphasis for improvements to this corridor should also consider a streetscape master plan for the corridor with common signage, landscaping, street lighting, and pavement treatments that help reinforce this street as a gateway into Palmetto Bay.
7. Pursuant to policy 4A.3.3, the Village shall encourage the use of water-saving "xeriscape" plants, watering techniques and landscape designs in existing and future developed areas of the Village.
8. Pursuant to policies 4B.1.1, 4D.1.3, and 11.1.4 all development orders shall ensure the Village's adopted sanitary sewer, solid waste and potable water LOS standards are maintained both during construction and operation(s).
9. Pursuant to policy 4C.3.1, a primary objective of the Village's Stormwater Master Plan is protection of surface water through the Land Development Code requirements that mandate acceptable paving and drainage plans, adequate open (pervious) space areas, and stormwater detention and retention in private development projects.
10. Pursuant to policy 6.5.5, any new project or development is to demonstrate that it does not create a substantial adverse impact to the environment.

11. Pursuant to policy 6.7.5, native trees shall be preserved during development or redevelopment wherever possible, and if any native tree must be removed, at least two (2) native trees shall be planted to replace the removed tree.

H. PERTINENT REQUIREMENTS/STANDARDS⁴:

1. Special Exception

An application for a private school to be placed in a residential district requires a public hearing. The Applicant must comply with section 33-151.11 through 33-151.22 of the Miami Dade County Code, as adopted by the Village⁵.

All day nurseries, kindergartens, after school care, and private school (regardless of grade) uses must comply with Division 33-151 of the County Code. The term "private school" or "nonpublic educational facility" shall mean an institution that provides child care and/or instruction from the infant level through the college level and which does not come under the direct operation and administration of the Miami-Dade County School Board or the State of Florida. Only such uses are intended to be controlled by this article and include, but are not limited to, the following:

(a) *Day nurseries:* Child care for infants and children up to and including age six (6). [Applicant withdrew request for day nursery].

(b) *Kindergartens.* Child care and preschool programs for children ages four (4) through six (6).

* * *

(g) *Private school:* This term as used herein refers to any private institution providing child care and/or instruction at any level from infants through the college level.

(h) *Child, student, pupil.* The terms "child," "student," "pupil," and their plurals are used interchangeably in this article.

(i) *Elementary, junior and senior high schools:* References to these schools are to be loosely interpreted to encompass any schools, graded or ungraded, whose students are within the age ranges typically found at these school levels.

⁴ See Exhibits 8 and 9 relating to case law memorandum and C.V. of George Knox.

⁵ The Applicant filed its application on September 6, 2006, prior to the adoption of the Village's Land Development Code, Division 30-110, entitled "Private Schools and Child Care Facilities." The Village's Code provisions mirrors Miami-Dade County, section 33-151-11 through 33-151-22. The County Code shall be utilized in reviewing the special exception request.

Pursuant to section 33-151.13, all such private schools facilities must meet the requirements of Division 33-151, and the requirements of the particular zoning district in which they are located, if that district is one (1) in which the facility is a permitted use.

As a condition of approving the use or site plan as required by Section 33-151.15, the Director shall require a recorded covenant establishing (A) the calculations and conditions upon which the additional square footage has been permitted; and (B) restricting the area designated for child care to child care use, only.

Pursuant to section 33-151.15, the Applicant is to provide certain detailed calculations and information related to the use. This information was included in the zoning agenda package of February 25th, 2008, and in the April 19, 2010 plan submittal, under the "Childcare Checklist Requirements for a Zoning Hearing." This information includes: (1) total size of the site; (2) maximum number of students to be served; (3) number of teachers, administrative and clerical personnel; (4) number of classrooms and total square footage of classroom space; (5) total square footage of non-classroom space; (6) amount of exterior recreational/play area in square footage; (7) number and type of vehicles that will be used in conjunction with the operation of the facility; (8) number of parking spaces provided for staff, visitors, and transportation vehicles, and justification that those spaces are sufficient for this facility; (9) grades or age groups that will be served; (10) days and hours of operation; (11) means of compliance with requirements by the Miami-Dade County Fire Department, Miami-Dade County Department of Public Health, the Department of Health and Rehabilitative Services, and any federal guidelines applicable to the specific application; and (12) graphic information as to the site and its uses. Staff has incorporated by reference the information contained in the completed Child Care Checklist application(s) under the April 19, 2010, submittal for alternative uses K-12 or 6-12.

As part of the analysis, pursuant to section 33-151.16, staff is to calculate the physical space requirements for multiple-use facilities, where a private educational facility is to be operated in a structure simultaneously used as a residence, church or other facility. As such, the area which will be specifically used for a private school or child care facility during the hours of operation shall be clearly defined. The area so delineated shall be used as the basis for determining physical space requirements as provided in this article. No physical space credit will be given for interior or exterior areas that are not restricted to the school or childcare use during the hours of operation of said facility. No day-care or child care uses are proposed in the April 19, 2010 plan.

Thereafter, staff is to adhere to the standards found at section 33-151.18, which establishes the criteria in determining whether the application meets the County's physical standards for private schools. In particular:

(a) *Outdoor areas.* Outdoor recreation/play areas shall be in accordance with 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.

Minimum Standards for Outdoor Recreation Playground/Play Areas:

<i>School categories</i>	<i>Required area</i>
Day nursery/kindergarten and preschool and after-school 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 student
Junior 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.

(b) *Signs.* Signs shall comply with district regulations as contained in Chapter 33 of the Miami-Dade County Code; provided, however, that the total square footage of all freestanding signs in any residential district shall not exceed six square feet (6 sq.ft.) in size. This application does not include a sign request. Signage will be reviewed for compliance as part of the building permit process.

(c) *Auto stacking.* Stacking space, defined as that space in which pickup and delivery of children can take place, shall be provided for a minimum of two (2) automobiles for schools with 20 to 40 children; schools with 40 to 60 [children] shall provide four (4) spaces; thereafter there shall be provided a space sufficient to stack five (5) automobiles.

(d) *Parking requirements.* Parking requirements shall be as provided in the Miami-Dade County Zoning Code, Section 33-124(1).

(e) *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, hallways, teachers' conference rooms, storage areas, or any other interior space that is not used for instruction, play, or other similar activities. The minimum classroom space shall be determined by multiplying the maximum proposed number of pupils for attendance at any one (1) time by the minimum square footages, (1) through (4) 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 (1) of the following categories, each category shall be individually computed:

- (1) Day nursery and kindergarten, preschool and after school care, 35 sq.ft., per pupil.
- (2) Elementary (grades 1--6), 30 sq.ft., per pupil.
- (3) Junior high and senior high (grades 7--12), 25 sq.ft., per pupil.
- (4) Baby-sitting service, 22 sq.ft. of room area, per child.

(f) *Height.* The structure height shall not exceed the height permitted for that site by the existing zoning.

(g) *Trees.* Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.

* * *

Finally, after all this information is analyzed and a determination is made by Staff, the Village Council, pursuant to section 33-151.19, shall review the special exception request to place/expand the private school under the following standards, during a public hearing:

(a) *Study guide.* The study entitled "Physical Standards for Proposed Private Educational Facilities in Unincorporated Miami-Dade County," date 1977, shall be used as a general guide in the review of proposed nonpublic educational facilities; provided, however, that in no case shall the educational philosophy of a school be considered in the evaluation of the application.

(b) *Planning and neighborhood studies.* Planning and neighborhood studies accepted or approved by the Village Council that include

recommendations relevant to the facility site shall be used in the review process.

(c) *Scale.* Scale of proposed nonpublic educational facilities shall be compatible with surrounding proposed or existing uses and shall be made compatible by the use of buffering elements.

(d) *Compatibility.* The design of the nonpublic educational facilities shall be compatible with the design, kind and intensity of uses and scale of the surrounding area.

(e) *Buffers.* Buffering elements shall be utilized for visual screening and substantial reduction of noise levels at all property lines where necessary.

(f) *Landscape.* Landscape shall be preserved in its natural state insofar as is practicable by minimizing the removal of trees or the alteration of favorable characteristics of the site. Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.

(g) *Circulation.* Pedestrian and auto 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.

(h) *Noise.* Where noise from such sources as automobile traffic is a problem, effective measures shall be provided to reduce such noise to acceptable levels.

(i) *Service areas.* Wherever service areas are provided they shall be screened and so located as not to interfere with the livability of the adjacent residential properties.

(j) *Parking areas.* Parking areas shall be screened and so located as not to interfere with the livability of the adjacent residential properties.

(k) *Operating time.* The operational hours of a nonpublic educational facility shall be such that the impact upon the immediate residential neighborhood is minimized.

(l) *Industrial and commercial.* Where schools are permitted in industrial or commercial areas it shall be clearly demonstrated in graphic form how the impact of the commercial or industrial area has been minimized through design techniques.

- (m) *Fences and walls.* Recreation and/or play areas shall be enclosed with fences and/or walls.

2. Site Plan Modification of the 1999 Site Plan approved after public hearing.

In evaluating a site plan modification application, section 33-311, of the Miami-Dade County Code provides that the Applicant must establish that:

1. The development application conforms to the Comprehensive Plan for the Village of Palmetto Bay, Florida; is consistent with applicable area or neighborhood studies or plans; and would serve a public benefit warranting the granting of the application.

(2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of [the Village of Palmetto Bay], including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;

(3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of [Palmetto Bay];

(4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;

(5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

Additionally, pursuant to section 33-311(A)(7), in order to obtain a site plan modification the Applicant must demonstrate that the modification of the underlying zoning resolution would not:

1. generate excessive noise or traffic;
2. tend to create a fire or other equal or greater dangerous hazard;
3. provoke excessive overcrowding of people;
4. tend to provoke a nuisance; and,
5. be incompatible with the area concerned, when considering the necessity and reasonableness of the modification, in relation to the present and future development of the area concerned.

I. ANALYSIS:

1. **Special exception to permit an expansion of an existing private school onto 32.2 additional acres, including the addition of 550 additional students (kindergarten through 5th grade and additional students in grades 6 through 12; or alternatively, an across the board increase of existing grades).**

Staff analysis: The Applicant is required to comply with all the provisions of Division 33-151, of the Miami-Dade County Code. Staff incorporates by reference the Applicant's April 19, 2010 plan and the responses required under to the Child Care Checklist Requirements for Zoning Hearing. See Exhibit 4. The record from the 2008 hearings, including transcripts of those hearings, are on disk and incorporated by reference. See Exhibit 3. This checklist, which has been analyzed by staff, is confirmed to contain accurate information. It also provides documentation that the Applicant has complied with the minimum requirements of Division 33-151.11, .12, .13, .15, .16 and .18. Additionally, Staff finds that the Applicant has complied with the criteria of section .19. Specifically, Staff analyzed the April 19, 2010 master plan, according to those criteria. The specifics of the criteria are as follows:

- (a) Study guide. The study entitled "Physical Standards for Proposed Private Educational Facilities in Unincorporated Miami-Dade County," (1977), shall be used as a general guide in the review of proposed nonpublic educational facilities; provided, however, that in no case shall the educational philosophy of a school be considered in the evaluation of the application.

Staff analysis. The 55-acre property accommodates the proposed 1,150 students required for complying with the Code's physical space requirements per student.

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

Staff analysis: Other than the Comprehensive Plan of the Village, the Village has no other neighborhood studies approved or accepted by the Village Council specifically relating to this neighborhood. The Village previously approved a charrette plan for the VMU Future Land Use Designation, which developed into the VMU zoning district in the Village's Land Development Code. The VMU district, a mixed-use (commercial and residential) is adjacent to the subject neighborhood; across Old Cutler Road. The Applicant's request complies with the Village's Comprehensive Plan. See section G, above.

(c) Scale. Scale of the proposed expansion of the private school is compatible with surrounding proposed or existing uses and maintains that compatibility by the use of buffering elements.

Staff analysis: In order to provide guidance to reviewing and analyzing subsection (c), staff has sought out and defined "scale", "compatibility," "maintain," and "buffer."

Definitions

Scale is defined as "1a. A system of ordered marks at fixed intervals used as a reference standard in measurement... c. a standard of measurement or judgment; a criterion. 2. a proportion used in determining the dimension relationship of a representation to that which it represents. b. a calibrated line, as on a map or an architectural plan, indicating such a proportion. c. proper proportion: a new house that seemed out of scale with its surroundings. A progressive classification, as of size, amount, importance or rank. 4. A relative level or degree." The American Heritage Dictionary of the English Language (4th Ed. Houghton Mifflin Co. 2000).

"Compatible" is defined as "capable of living or performing in harmonious, agreeable, or congenial combination with another or others." The American Heritage Dictionary (2nd College Ed. 1985). The Random House Dictionary of the English Language 417 (2nd Ed. Unabridged 1987) similarly defines "compatible" as "1. capable of existing or living together in harmony... 2. able to exist together with something else." The American Heritage Dictionary of the English Language (4th Ed. Houghton Mifflin Co. 2000) defines "compatible", as: "adj. 1. capable of existing or performing in harmonious, agreeable, or congenial combination with another or others; 2. capable of orderly efficient integration and

operation with other elements in a system with no modification or conversion required."

"Maintain" is defined as "1. to keep in an existing state (as of repair); 2. to sustain against opposition or danger; 3. to continue in : carry on; and 4. to provide for : support." The Franklin, Merriam-Webster Dictionary (2007).

A "buffer" is defined as "1. something that lessens or absorbs the shock of an impact. 2. one that protects by intercepting or moderating adverse pressures or influences." The American Heritage Dictionary of the English Language (4th Ed. Houghton Mifflin Co. 2000).

Analysis Continued:

The issue of scale and compatibility as it applies to this project are addressed both through (1) location of the structures in relation to the surrounding residential use; and (2) the architectural style proposed in the Applicant's master plan.

1. Location of Structures

The school use was designed to concentrate buildings in a centralized location in order to preserve as much land for green open space and to minimize impacts. The buffer is intended to shield the neighbors from the buildings and normal uses associated with the operations of a school. The principal buildings are actually located in the middle of the 55-acre parcel, and clustered together to maintain the educational elements in one, compact location. By locating the buildings towards the middle of the property, the noise from the students should be minimized as the students are not near the borders/edges of the property, adjacent to single-family homes. The structures themselves should serve as acoustic barriers interfering with the free distribution of sound. The buildings and parking across are not adjacent to homes or property lines. The buffers are intended to shield the view of the school from surrounding homes. The areas described as buffers are located at the east, west, and south 75 foot perimeters of 8001 SW 184th Street, and the north, east and west 50 foot perimeters of 7900 SW 176th Street (hereinafter "buffers").

2. Compatibility

The architecture of the proposed buildings is consistent with typical South Florida architectural elements found in the community. The revised plan (April 19, 2010) reflects "hipped roofs." The larger buildings (Buildings 16 and 18) have flat roofs. The Applicant's use of flat roofs was intended to ensure that the interior space is available for sports and/or performing art reasons and to ensure that the structures comply with the 35 foot height limitation of the E-M zoning district. The slope of the "hipped roofs" is at approximately 6:12 slope, which is in keeping

with traditional slopes found on most structures. Gable ends are used sparingly and only used where a building is intended to provide a civic entrance or presence. The buildings, themselves, are designed to create and enclose outdoor spaces. The larger two (2) buildings, along with the chapel, are intended to create a formal entry to the school while the remaining buildings define "outdoor rooms" within which the students may socialize between classes.

The buildings are either a single-story or two-stories in height. The clustering of the buildings around the "outdoor rooms" creates this "centralized" social area internal to the site and away from the buffered areas. No structure exceeds 35 feet (two stories), which is consistent with the zoning for E-M, and the height of several of the two-story homes surrounding the school.

These buildings will be screened from view due to the extensive landscape buffering. Some of the buildings are over 200 feet from the property line. The closest structure, the maintenance building, is 50 feet from the nearest property line (7900 SW 176th Street). The buildings are consistent in architectural style to the single-family residences surrounding the site.

In comparison to the extensively gabled roofs as proposed back in 2008, which have a more prominent presence at the front elevation, the roofs from the 2010 plans tend to be lower in perspective due to the use of hipped roofs. The 2008 plans also provided for three (3) major structures over 56 feet in height. In other words, the proposed roofs are less prominent and tend to blend in more with the surroundings. These structures are designed using best practices for hurricane resistance and sustainability with breezeways, arcades, and traditional proportions.

In the center of the property is a long building, with an atrium dividing the structure midway, attached to two (2) shorter, side buildings. On the plans, these structures are identified as Buildings 14 and 15 to be utilized as new classrooms. The longest portion of building 14 faces north and does not provide a long view of the building along the eastern and western sides of the property. The north face is visually "broken up" by having other buildings located in front of it, thus limiting the visual impact of these structures to the community. The buildings are actually united by breezeways and are divided mid-way by the breezeways. The building mass has been divided or separated, ensuring that the structures are not monolithic in nature or of uniform height (three separate heights provided). The buildings do not exceed 35 feet in height, consistent with E-M zoning requirements.

The two (2) longer structures (Building 16, the gymnasium and Building 18, the performing arts building) are also 35 feet in height. These buildings should be modified in order to preclude any possibility of the structures being considered a "big box." The wider portion of these structures are approximately (260 ft x 149 ft.). The southern portion of each building provides a "tail-like"

continuation/extension of approximately 110 feet. These "tail-like" extensions should be set back six feet (6 ft.) from the principal portion of the structures. As to Building 16, the six foot (6 ft.) setback should be located six feet (6 ft.) towards the east boundary. As to Building 18, the six foot (6 ft.) setback should be setback/offset six feet (6 ft.) towards the west boundary. In addition, along these 110 foot setback/offset portion of the two (2) structures, there should be a colonnade/arcade, with roof like structures at the first floor level, to break-up the monolithic volume of the structure. Moreover, Live Oak trees, or other equivalent type trees, with an overall size of 16 feet in height, should be planted along the remaining portion of the buildings where the colonnade/arcade is not situated, at every 20 feet on-center.

It is important to note that the Village has already approved a 35 foot gymnasium for Westminster Christian Private School, which educates 1160 students on 24 acres. Because of the intended function of these buildings it would not be practical or possible to reduce the size, or length of Buildings 16 and 18. These structures are intended to hold an adequate portion of the student body during performances and/or gymnastic activities. In fact, the structures are intended for multi-purpose use, including locker rooms, coaches' offices, training facilities, storage, restrooms and actual gymnasium area. All of these uses are tied to each other. The two (2) larger buildings allow for the centralization of the student/educational activities, thus focusing the students in one centralized area versus sending the students all over the 55 acres, and precluding interference with the preserved buffer areas and adjacent residential uses (quiet enjoyment).

Staff also analyzed the lengths of other private and public schools located in the Village:

(1) Westminster Private School provides a gymnasium that is 172 feet by 168 feet; a multipurpose room that is 150 feet by 146 feet. Both are 35 feet tall. There are additional structures that measure 95 feet by 187 feet (elementary school) and the administrative/classroom building which is measured at 203 feet. This property consists of 24.2 acres.

(2) Coral Reef Elementary provides a building that is 350 feet by 200 feet, one-story; and a two-story building of 187 feet by 73 feet, two story. This property consists of nine (9.1) acres.

(3) Southwood Middle School provides a building that is 299 feet by 298 feet, at two stories in height. It also provides an additional two-story building at 75 feet by 225 feet on 18 acres.

(4) Perrine Elementary School provides a building that is 251 feet by 193 feet, at two-stories; and an additional one-story building at 100 feet by 150 feet on nine (9) acres.

All measurements are approximate. See attached composite Exhibit no.: 13. The buildings proposed by applicant are overall consistent in scale with other school buildings.

The Applicant provides small class room settings, with approximately 15 students per classroom, thus requiring 94 class rooms and a total square footage of classroom area of 91,941 square feet. The smaller the classroom, the more limited the noise interference by school operations. The smaller classroom and centralization of the educational facilities reduces the impact of noise to the community.

Going back to the definitions provided above, it is Staff's position that the proportional dimensions of the school, its scale – as planned, with a cluster of educational structures (classrooms) surrounded by fields and sport training areas is compatible with the neighborhood. The conditions delineated below ensure that the application, if implemented, is capable of performing in a harmonious, agreeable and congenial manner with the surrounding community. The school may be efficiently integrated, operated, and maintained, particularly due to the extensive buffer provided in the plans. Based upon the foregoing, staff finds that the application for the physical expansion of the private school use and location of buildings would be compatible with the surrounding community, provided the buffers are installed and maintained, and the conditions found at section J are adhered to.

(d) Compatibility. The design of the private school is compatible with the design, kind and intensity of uses and scale of the surrounding area.

Staff analysis: Please refer back to the definitions and analysis of design compatibility in subsection (c), above. As to intensity of use, the private school facility, with 55 acres and its proposed 1,150 student population is of sufficient size, design, and population to be compatible with other school uses within and surrounding the Village. It is actually a less intense use, per square foot/per student, as compared to the other public and/ or private (Westminster Christian) schools located in the Village. See the chart of student populations and associated acreage/square footage, found supra, at page 8 of this memorandum. While a private school is an allowable use within E-M, E-M is generally characterized by estate, detached, single-family homes on approximately a third of an acre.

- (e) *Buffers. Buffering elements shall be utilized for visual screening and substantial reduction of noise levels at all property lines where necessary.*

Staff analysis: As indicated earlier, at subsection (c), the principal structures are clustered in the center of the 55 acre parcel and the perimeter of the entire site is surrounded by either the 55 or 75 foot buffered areas. Please see the cross-section at Sheet 39 of the plans for details as to the 75 foot buffer. The Applicant has agreed to landscape the entire 75 foot buffer area with native and existing plants and/or trees. In addition, the Applicant is proposing a six foot (6 ft) wall along the perimeter of 8001 SW 184th Street. The eastern and western perimeters of the 7900 SW 176th Street site have already been fenced and landscaped. The buffers are intended to reduce noise and impacts to the adjacent detached single-family homes. The wall and the underbrush should preclude much of the sound emanating the property from traveling offsite. The master plan reflects a six foot (6 ft.) high, solid masonry wall and enhanced buffering along the eastern and western property lines of 7900 SW 176th Street and 8001 SW 184th Street. The southern boundary at SW 184th Street and northern boundaries at SW 176th Street shall provide a six foot (6 ft.) wrought iron fence with masonry columns. The eastern and western perimeters of 7900 SW 176th Street already contain a six foot (6 ft.) concrete wall that shall be required to be maintained, on both sides. The wall also provides a safety barrier between the neighborhood and the school. A six foot (6 ft.) wall is permitted, as of right, under the E-M zoning district. Anything higher than six feet (6 ft.) would require a variance. No lighting or recreational fields shall be permitted within the buffer.

The landscaping will consist of Green Buttonwood, Royal Poinciana, Sable Palms, Live Oak, Pink Tabebuia Mahogany, and Ironwood trees, along with existing Mango trees. Shrubbery and grasses include: Jasmine, Bimp, and Plumbago. The Hammock Plantings include: Bahama Coffee, Cocoplum, Firebush, Fakahatchee Grass, Gamma Grass, Saw Palmetto, Star Jasmine, and Philodendron Sell, amongst others. The Sable Palm is one of the recommended species that would grow quite dense in combination with the existing, mature mango trees. The Royal Poinciana also grows quickly. The Jasmine, Grasses, and Philodendron are rapid growing plants. One of the advantages of having a diverse plant grouping (plant community) is that it provides a visual barrier. It insulates the school and provides an attractive view for the school students. The diverse plant life ensures that the landscaping can thrive (taller trees need light, shade plantings underneath – for example, ferns – thus ensuring that there will not be any open space deterioration due to the environmental conditions (need shade/require direct sunlight) required for each type of plant in the densely landscaped area. This grouping will serve as a native habitat for wildlife including, butterflies, and migratory birds, thereby enhancing the natural environment of the surrounding areas. Other than an unpaved maintenance path of eight (8) feet, the first 50 feet of the buffer adjacent to the property line shall not be utilized for anything but landscaped buffer. See maintenance path

recommendation below – as the sole intrusion in the 50 foot buffer. The maintenance path is recommended in order to ensure that the property can be accessed with the appropriate vehicles should trees be destroyed or fall during normal maintenance and/or due to hurricane or other weather related event. The interior 25 feet of the 75 foot buffer may contain a six foot (6 ft.) paved pedestrian walking path along both the eastern and western portion of 8001 SW 184th Street.

Please note, that no existing public or private school in the Village provides a lush or dense landscape between the school and the surrounding residential neighborhood. The public schools simply provide a chain link fence with no hedge or landscaping. Westminster is partially enclosed by a wall and the remainder is enclosed by a fence. The western portion of the Westminster site provides approximately 20 feet of "buffer." The Village Council wanted a portion of the fields to be visible to the community. There is little landscaping or buffering along the remaining perimeter of Westminster. The houses of worship in the community have sparse perimeter landscaping. Nor are a majority of the houses of worship walled in or fenced. Although not required under the code, and although there is no precedent in the Village to require a 75 foot dense buffer, the Applicant has voluntarily agreed to buffer the property extensively.

Staff recommends no interference within the confines of the buffer be permitted except for: the six (6 ft.) wide walking path within the innermost 25 feet of the eastern and western buffers of 8001 SW 184th Street; and the unpaved eight (8) foot hurricane recovery and maintenance path (in all buffers). No construction of overflow parking, tennis courts, and other structures or uses is recommended. The frontage along SW 184th Street is buffered with a 75 foot area accompanied by a low wall, in conjunction with a railing on top of the wall in accordance with code.

(f) *Landscape. Landscape shall be preserved in its natural state insofar as is practicable by minimizing the removal of trees or the alteration of favorable characteristics of the site. Landscaping and trees shall be provided in accordance with Chapter 18A of the Code.*

Staff analysis: DERM has provided comments as to the landscaping plan, which comments staff adopts and incorporates by reference. Applicant shall additionally comply with the requirements of Chapter 18A of the Code and the South Florida Water Management District (SFWMD) water restrictions relating to water usage for residential properties. Other permitted water usage shall be in accordance with the SFWMD regulations for new landscaping, existing landscaping, and for recreational fields. The landscaping buffer as described above, along the eastern and western sides of the property appears to enhance the site and shall minimize disturbance to the neighbors. Where possible the

existing mango trees shall be replanted in the buffer areas. Any native tree loss shall also be replanted in the buffer, as required under Code. Any tree loss from replanting grove shall be restored on the property within the 50 ft. and 75 ft. buffer zones. The replacement trees are recommended to be native, noninvasive, and drought resistant species. The landscaping plan shall incorporate xeriscape principles required under the Village's Land Development Code, Division 30-100. Applicant shall comply with the details of the landscape site plan found at Page 11, 12, and 39. The Code requires Applicant to provide 12 trees per net acre, for a total of 1019 trees. The Applicant provides 1128 trees. The Code requires Applicant to provide 10 shrubs for each tree required, for a total of 10,190. Applicant has provided 11,456 shrubs. The plan provides 756,618 square feet of grassy area, including fields, and 862,713 square feet of lawn area.

(g) Circulation. Pedestrian and auto 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.

Staff analysis: The circulation plan, including pedestrian and vehicle circulation, is intended to serve the school facility needs. The Village's Public Works Traffic Impact Analysis – Issued by The Corradino Group. The David Plummer & Associates updated traffic report and Corradino's Review shall be marked Composite Exhibit 5, and incorporated by reference, herein. Compliance with the recommendations of The Corradino Group enables compliance with the Level of Service required by the Comprehensive Plan. The existing school has access to the external roadway network through one driveway on SW 176th Street. The proposed master plan reflects a two (2) lane driveway principal entrance off SW 184th Street (principal entrance), with a proposed capability of stacking 108 vehicles in-bound. The SW 176th Street entrance is intended to be modified to provide stacking for 22 in-bound vehicles. Moreover, the entrance off of SW 176th Street would be connected to the SW 184th Street entrance, by the proposed interior circulation roads. This, along with the turning lanes on SW 184th Street, and police presence during peak hours should alleviate the vehicle use of SW 176th Street, and should eliminate all the Applicant related cut-through traffic on SW 82nd Avenue and other neighborhood roads as to accessing the SW 176th Street entrance by all existing students. In addition, the decal system shall require students and teachers to drive into and park at the school from the SW 184th Street entrance should eliminate all other Applicant related cut-through traffic along SW 82nd Avenue and/or SW 176th Street. Ultimately, the number of cars on SW 176th Street, at build-out, will remain the same number as today. However, with the increase stacking, second exit from the site, and police officer direction, the impacts on the street should be minimized.

The Applicant has complied with the Village's Code as it relates to bicycle racks, and has provided 72 bike racks.

The Corradino Group has advised that 17-19 percent of the students utilize bus service. The public school system solely uses approximately six (6) percent bus service.

Lighting fixtures used for interior circulation roads, stacking, and parking areas shall project the light rays directly to the parking 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. Outdoor lighting shall not cast more than 1/2 ft. candle at the property line.

(h) *Noise. Where noise from such sources as automobile traffic is a problem, effective measures shall be provided to reduce such noise to acceptable levels.*

Staff analysis: Due to the extent of the proposed expansion and the type of school (K through 12 or in the alternative expanded 6-12), it is recommended that where noise from such sources as automobile traffic and athletic fields is a problem, effective measures shall be provided to reduce the noise to acceptable levels. In order to minimize noise pollution from affecting the adjacent properties, it is recommended that the Applicant install and maintain a six foot (6 ft.) high concrete wall along the western and eastern property lines, as indicated on the revised master plan. The wall and expanded buffers shall further assist in keeping vehicle headlights from spilling onto adjacent properties. The E-M district provides for a sound dBA of 65 during the day and 60 during the evening hours as measured from the school's boundaries. See Village's Code Section 30-60.29, as may be amended.⁶ "dBA" is the American National Standards Institute (ANSI) sound level measurement used by the Village to determine appropriate sound levels. Please note, that the Village's Code, at 30-60.29(d) provides that the limits set "may not be exceeded by any single incident representing the normal usual operation of the sound source, during any three (3) sampling intervals, the duration of which shall be no less than one-half (1/2) minute, within any one (1/2) hour period." This means that there may be times within an hour that the noise may exceed the permitted level, but cannot do so for more than 30 seconds, and not more than three (3) times in the hour.

Regarding noise from athletic fields and school activities, the school shall orient fields, and athletic bleachers away from residential buffers. The proposed landscaping buffering recommendations delineated below for the pool should

⁶ Section 30-60, of the Village's Code, relating to Noise, provides an objective noise standard for the E-M district. The 2008 Planning and Zoning staff report provided a 40 dBA standard to the site, which is contrary to the enacted code. Enforcement must be based upon the enacted code.

reduce any noise impacts from the pool's use. The pool is not recommended to be moved from its current location.

No permanent public address speaker system may be installed. Temporary speakers, for events, are to be situated away from residential buffers. Applicant shall install and maintain signs reading "No radios beyond this point" at all entries to the property. The Village's Noise Ordinance, Section 30-60.29(g)(2), exempts noise relating to sports events.

As to the existing structures, the use of bells, pulses, buzzers, or other sounds to signal class times shall be regulated to school operating hours only on days when school is in session (vested use). Pursuant to section 30-60.29 (3)(2), for the Applicant to use a loud speaker system, it is required to seek a special permit from the Village. Staff recommends that no permit be issued for the new structures. Staff recommends that the new structures use digital signage system or other non-noise oriented device to signal change of class times or announcement. No amplified sound alert system should be used. Portable loud speakers are only allowed at approved special events.

(i) *Service areas. Wherever service areas are provided for under the master plan, they shall be screened and so located as not to interfere with the livability of the adjacent residential properties.*

Staff analysis: Service, delivery and storage areas and equipment should be adequately screened and located away from view of adjacent properties. No service or delivery vehicles, including solid waste pick-up, shall occur prior to 7:00 a.m. and no later than 7:00 p.m., limited to Monday through Friday.

Consistent with the analysis above, lighting fixtures used for maintenance, service, delivery and/or storage areas shall be of a type that project the light rays directly to the land surface, and include shields that restrict projection of light rays outward to adjacent properties and also restrict the upward projection of light rays into the night sky. Outdoor lighting shall not cast more than 1/2 ft. candle at the property line. The lighting fixtures should be no taller than 15 feet in height.

(j) *Parking areas. Parking areas shall be screened and so located as not to interfere with the livability of the adjacent residential properties.*

Staff analysis: The zoning code requires 837 parking spaces if there are 1150 students in the following grades: K-12. The Code requires 832 parking spaces if there are 1150 students in the following grades: 6-12. In either scenario, Applicant has requested 852 parking spaces. Due to the nature of the use, it

would be rare that 852 spaces would be required at any one time. The Applicant is seeking to place the greater parking for the faculty and student population on asphalt. Staff recommends pavers, which will assist in drainage and percolation at the site on pervious surfaces. Applicant's request to park on natural terrain, which requires a variance, has been withdrawn.

Applicant does not propose any parking within the buffered areas. Staff recommends no parking be allowed within the 50 foot buffers of 7900 SW 176th Street, nor within the 75 foot buffers of 8100 SW 184th Street. Staff recommends a covenant running with the land be recorded confirming that no parking shall be permitted in the buffer areas. Additionally, Applicant shall preclude parking in the swale areas fronting either entrance to the school. Applicant shall install "No parking" signs along these right-of-way areas after obtaining Village and County authorization. Overflow parking is located at 8001 SW 184th Street, along the two (2) lane driveway/road, adjacent to the east 75 foot buffer. Staff in 2008, originally requested that the overflow be placed on the northern fields of 7900 SW 176th Street, solely for event purposes. However, as the variance for natural terrain has been withdrawn, this recommendation is withdrawn. The majority of the student and teacher parking is located in the northwestern portion of 8001 SW 184th Street, adjacent to the proposed gymnasium. Some additional parking is located adjacent to the southwestern exit of SW 184th Street. Additional parking surrounds the circular two-lane road and adjacent to the performance field and track.

In conjunction with the parking plan, Applicant shall comply with the David Plummer's parking recommendations as it relates to decals. See Internal Circulation recommendations at subsection (g), above.

The Applicant does not propose a parking garage.

(k) Operating time. The operational hours of a nonpublic educational facility shall be such that the impact upon the immediate residential neighborhood is minimized.

Staff analysis: Interior use of school facilities is restricted to the hours of operation between 7:00 a.m. and 10:00 p.m., provided that the use is by the Applicant for school related or operational activities. The property shall not be used for commercial leasing purposes. See other subsections relating to deliveries, solid waste, field use, etc. Limiting the hours of operation should minimize noise, lighting and other impacts to the adjacent residential neighborhood. Precluding outdoor athletic lighting shall minimize field use and sporting activities. This should prevent the property from exceeding E-M residential noise levels (60 p.m./65 a.m. dBA), and ensure that the sports activities exempt from the noise ordinance do not interfere with residential quiet enjoyment.

(l) *Industrial areas –*

Staff Analysis. This section is inapplicable to this application.

(m) *Fences and Walls. Recreation and/or play areas shall be enclosed with fences and/or walls.*

Staff analysis: The master plan reflects a six foot (6 ft.) high, solid masonry wall and enhanced buffering along the eastern and western property lines of 7900 SW 176th Street and 8001 SW 184th Street. The northern property line of 7900 SW 176th Street, and the southern property line of 8001 SW 184th Street shall consist of a six foot (6 ft.) wall that will be partially wrought iron. All recreation, athletic fields, and/or play areas are enclosed within the property's boundary wall. The tennis center is to be fenced. The pool shall be enclosed with a fence and/or wall and comply with the safety barrier requirements of section 33-151.11 through .22 of the Code. Staff additionally recommends a six foot (6 ft.) ficus or other hedge along the southwestern perimeter of the fenced pool area to assist with noise buffering.

In 2008, the athletic fields were oriented towards the property's interior. Based upon input from the community, the fields now face towards the property lines. The community believes that the new orientation would keep spectators away from the buffer. No additional fencing is required or recommended for the fields. Any interior chain link fencing shall be poly-coated vinyl and black or green in color. Both sides of any walls shall be finished and maintained by the Applicant. Cross-reference with the buffer and landscaping subsections above.

2. Site Plan modification

Analysis of each applicable subsection of section 33-311:

1. The development application conforms to the Comprehensive Plan for the Village of Palmetto Bay, Florida; is consistent with applicable area or neighborhood studies or plans; and would serve a public benefit warranting the granting of the application.

Staff analysis: Other than the Comprehensive Plan there are no other neighborhood studies or plans for this specific area. Along Old Cutler Road there is an area that was the subject of a charrette and was later rezoned consistent with that charrette to the "VMU", Village Mixed Use, zoning district.

E-M zoning is a qualified zoning district that complies with the density requirements of the Estate Density Residential (EDR) Future Land Use Designation. Goal 1 of the Future Land Use Element encourages the Village to develop a "truly livable community 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, and neighborhood protection." The Comprehensive Plan provides for houses of worship, public schools, other institutional uses, and detached single-family residents within the EDR designation. See policy 1.1.1 and 1.1.5. If the institutional use is located in or near neighborhoods, adverse impacts to the tranquility of the residents around the allowed use and in the surrounding neighborhood should be minimized to the maximum extent possible. See policy 1.1.5. Based upon the foregoing, in residential land use areas, houses of worship and other permitted non-residential uses, including private and public schools, are allowed on a conditional basis (zoning requires a special exception application). The proposed master plan, as revised by the recommendation found below, should mitigate those elements that may adversely impact the tranquility of the neighborhood. See also Footnote 3, above, relating to Policy 1.1.1 and interplay of that policy with policy 1.1.5. Staff has also analyzed the Comprehensive Plan of the City of Doral, which plan uses the same language ("solely") and which plan was created by the same consulting firm as utilized by the Village, Kimley-Horn & Associates, Inc. The term solely has been determined by professional planners in the Village and City of Doral to mean that the area is characterized by detached single-family homes; not duplexes or multi-family uses. The Comprehensive Plan provides for other uses in the EDR designation, as indicated above.

The Comprehensive Plan at policy 2A.1.7, requires the Applicant receiving a development order to comply with applicable concurrency standards contained in the Land Development Code, which implements the Comprehensive Plan levels of service.

The Plan recommends that public schools comply with policy 2A.5.4, which ensures safe routes to school consistent with the requirements of Chapter 1006.23, Florida Statutes. Private schools should also comply with this condition since the intent of the policy is to provide a safe route to school for all children.

Policy 2C.1.4 requires compliance with the Village's streetscape plans for SW 184th Street, as that road is an entryway to the Village. Applicant should comply with the Village's Street Tree Master Plan in order to maintain landscape consistency throughout the gateways of the Village.

Policy 4A.3.3 proposes water-saving "xeriscape" plants, watering techniques and landscape designs in existing and future developed areas of the Village. The intent of this policy is to ensure that all entities in the Village adhere to water conservation measures and best practices.

Policies 4B.1.1, 4D.1.3, and 11.1.4 require that all development orders ensure compliance, both during construction and operation, with the Village's adopted sanitary sewer, solid waste and potable water concurrency requirements implementing the Village's LOS standards.

Policy 4C.3.1, contained in the Village's Stormwater Master Plan seeks to protect surface water through the Land Development Code requirements that mandate acceptable paving and drainage plans, adequate open (pervious) space areas, and stormwater detention and retention in private development projects. This is one of the rationales supporting the use of pavers instead of asphalt for parking purposes.

Policy 6.7.5 requires, whenever possible, to preserve native trees during development or redevelopment. Should native trees be removed, at least two (2) native trees shall be planted to replace the removed tree. The intent of this policy is to preserve the Village's existing native habitat. This ensures the Village's commitment to protecting the natural resources and consistent with state and federal policies relating to protecting of native habitats and resources.

(2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of [the Village of Palmetto Bay], including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;

Staff analysis: See Subsection (1) above relating to the environmental/natural resources requirements contained in the Comprehensive Plan. The site plan provides 10 percent lot coverage, versus the 30 percent that is allowed under the E-M zoning district. The staff recommends pavers versus asphalt, thus allowing additional percolation and drainage. The plan requires over 1000 trees and 10,000 plantings. Based upon the foregoing, the environmental and natural resource impacts on the Applicant's site are minimized.

The E-M zoned use would not have an unfavorable impact on the environmental and natural resources of the Village. The site plan modification, consistent with the special exception request, would allow the Applicant to clear the mango grove and other vegetation found on site. The Applicant intends to pave approximately 12.8 acres of the 32.22 acres to accommodate the construction of several new structures (a gymnasium, library, media center, performance arts center, chapel, pool building, and field house/storage), sports facilities (tennis courts, basketball courts, track, and swimming pool), road network and associated parking. The remaining acreage would be set aside as pervious area. The pervious areas will be part of the development's open space/recreational and buffer areas. The buffer areas are located in the west, east and southern portions of the property. These areas will be landscaped with native vegetation

and maintained by the Applicant to ensure that no exotics penetrate the buffer or that the trees do not impact adjacent neighbors. The buffers as well as other landscaping efforts proposed by the Applicant, will provide a natural habitat for native plants, birds, and wildlife that are attracted to the area. The cost of creating and maintaining the buffers and landscape will be the sole responsibility of the Applicant. The Applicant's proposed landscaping will minimize and/or mitigate the impacts on the natural and human environment. The project should not create an irreversible or irretrievable commitment of natural resources. The introduction of native vegetations will provide a positive impact on the project area natural resources.

(3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of [Palmetto Bay];

Staff analysis: The development permitted by the application, if granted, will have a minimal impact in the annual property taxes collected by the Village since the property is subject to an agricultural tax exemption. See the economic impact, above. The unfavorable impact on the economy of the Village would result from removal of land from the tax rolls with a private school use.

(4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;

Staff analysis: The development, as proposed, meets the Comprehensive Plan's level of service relating to roadways and other public facilities, which requires consistency with the County's concurrency levels. See reports enclosed from various review agencies.

(5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

Staff analysis: The development, as proposed, will not have impact on the existing public transportation facilities which have been constructed or planned and budgeted for construction.

In addition to the foregoing, review of subsection (A)(7) requires the Applicant to demonstrate that the site plan modification does not:

1. *generate excessive noise or traffic;*

Staff analysis: Pursuant to section 4.1 of the David Plummer traffic analysis, as reviewed by the Corradino Group, Old Cutler Road is a "D" LOS Service at both SW 176th Street and SW 184th Street. SW 176th Street and 82 and/or 83rd Avenue is at an "E" Level of Service. SW 184 Street at either 82nd or 83rd Avenue is a "D" level west bound, and "E" level north bound. David Plummer & Associates is the traffic consultant for Applicant. The Corradino Group is the Village's traffic consultant. The Plummer and Corradino reports are incorporated by reference herein. The Corradino Group proposes certain mitigation factors and recommendations which are incorporated below, as recommendations. According to their reports, the traffic generated if the application is approved meets the Village's proposed levels of service, after mitigation. The mitigation factors should resolve the issues relating to level of service impacts to the community. Additionally, please review the analysis under the special exception review above, at subsection (g), relating to circulation and the comments relating to use of SW 184th Street entrance/exit and effects on cut-through traffic. Additionally, as SW 176th Street is of concern to the community and traffic consultants, and as there has been cut-through traffic onto SW 80th and SW 82nd Avenue, staff recommends the installation of a "No Left Turn" sign at the exit to the SW 176th Street entrance and to preclude left hand turns from the exit, at a minimum, during peak hours. This should eliminate 54 vehicles from re-entering the neighborhood during the peak a.m. hours.

2. *tend to create a fire or other equal or greater dangerous hazard;*

Staff analysis: Not applicable to this application. See reports enclosed from various review agencies.

3. *provoke excessive overcrowding of people;*

Staff analysis: The school use will eliminate the agricultural use; generate an increase in the number of students on the 55 acres; and may provide additional persons on the site, above the student expansion numbers due to a special event. According to the Merriam-Webster's Dictionary, "over" "crowd" means "so as to exceed or surpass in numbers; excessive throng, excessively." As the Applicant's student population does not exceed the County Code requirements, and as the recommendations below limit the number of special events, per year, and/or time period, there should be no excessive overcrowding of people at any time. With 55 acres and a projected student population of 1150 students over a 15-25 year period, there is more than sufficient space to preclude overcrowding of the school site. The clustering of the buildings, shall keep the population

(student and/or visitor) within the center of the property. If the population is present for a specific sporting event, the population will be concentrated in those areas of the property adjacent to the event. The recommendations delineated below preclude more than one event at a time and limits the hours of operations. The preclusion of lighting further limits outdoor sporting events. Finally, the Village shall review and approve special event plans consistent with the Village's Code.

4. *tend to provoke a nuisance; and,*

Staff analysis: This provision is inapplicable to the underlying application, as the County Code (implemented at the time of the application's submittal) provides three (3) definitions of a "nuisance." The Applicant's uses do not implicate the definitions. Below are the three definitions, as provided under the County Code:

The first reference to nuisance is found at Section 24-5, under "Definitions" and provides as follows:

Nuisance shall mean and include the use of any property, facilities, equipment, processes, products or compounds, or the commission of any acts or any work that causes or materially contributes to:

(1) The emission into the outdoor air of dust, fume, gas, mist, odor, smoke or vapor, or any combination thereof, of a character and in a quantity as to be detectable by a considerable number of persons or the public so as to interfere with their health, repose or safety, or cause severe annoyance or discomfort, or which tends to lessen normal food and water intake, or produces irritation of the upper respiratory tract, or produces symptoms of nausea, or is offensive or objectionable to normal persons because of inherent chemical or physical properties, or causes injury or damage to real property, personal property or human, animal or plant life of any kind, or which interferes with normal conduct of business, or is detrimental or harmful to the health, comfort, living conditions, welfare and safety of the inhabitants of this County.

(2) The discharge into any of the waters of this County of any organic or inorganic matter or deleterious substance or chemical compounds, or any effluent containing the foregoing, in such quantities, proportions or accumulations so as to interfere with the health, repose or safety of any considerable number of persons or the public, or to cause severe annoyance or discomfort, or which tends to lessen normal food and water intake, or produces symptoms of

nausea, or is offensive or objectionable to normal persons because of inherent chemical or physical properties, or causes injury or damage to real property, personal property, human, plant or animal life of any kind, or which interferes with normal conduct of business, or is detrimental or harmful to the health, comfort, living conditions, welfare and safety of the inhabitants of this County.

(3) Any violation of provisions of this chapter which becomes detrimental to health or threatens danger to the safety of persons or property, or gives offense to, is injurious to, or endangers the public health and welfare, or prevents the reasonable and comfortable use and enjoyment of property by any considerable number of the public.

(4) Adverse environmental impact to a coastal or freshwater wetlands.

(5) Cumulative adverse environmental impact to a coastal or freshwater wetlands.

(6) Adverse environmental impact to environmentally-sensitive tree resources.

(7) Cumulative adverse environmental impact to environmentally-sensitive tree resources.

The second County nuisance definition can be found at section 24-28, relating to "Sanitary Nuisances" which section states:

The following conditions existing, permitted, maintained, kept or caused by any individual, municipal organization or corporation, governmental or private, shall constitute a sanitary nuisance:

(a) Untreated or improperly treated or disposed of human waste, garbage, offal, dead animals or dangerous waste materials.

(b) Improperly built or maintained septic tanks, water closets or privies.

(c) Discharging, or allowing the discharge of septic tank pump-out wastes into streams, or surface waters or underground aquifers or into ditches, drainage structures or on the ground surface.

The third definition is found at section 33-4 (contained within the zoning code) provides the following code provision entitled "Offensive color, design, smoke, noise, etc.: nuisances, moves and locations to be approved; location on lands subject to flooding," which states:

Nothing shall be allowed on the premises in any district which would in any way be offensive or obnoxious by reason

of color, design, or the emission of odors, liquids, gases, dust, smoke, vibration or noise. Nor shall anything be placed, constructed or maintained that would in any way constitute an eyesore or nuisance to adjacent property owners, residents, or to the community. No structure shall be erected, altered, structurally altered or moved except by methods and on locations as approved by the Director.

Arguably, this section could be applied to Applicant's site plan requests. The Village's noise ordinance provides objective criteria and standards, which have been applied, above. Additionally, staff is unaware of an obnoxious colors, designs, or odor emissions. Nor does the Village have a design review board and/or regulations that would preclude a certain color palette or style of structure. During construction there may be some vibration, noise, or dust, but that shall be regulated by the construction conditions cited below and the Village Code. Based upon the foregoing, section 33-4 of the County Code does not apply to this application.

5. be incompatible with the area concerned, when considering the necessity and reasonableness of the modification, in relation to the present and future development of the area concerned.

Staff analysis: Planning principals for neighborhoods, in traditional zoning analyses, provide for schools within the residential districts. See "Planning the Built Environment" Anderson, Larz T. (Planners Press, American Planning Association 2000) at Chapter 15. See Exhibit 8. The County zoning code does not provide a cap on the number of students allowed in a private school – other than providing a square footage requirement, per student and other specific site plan review criteria. As such, the square footage calculations are a minimum requirement and no maximum is contemplated, provided the level of service is met. The Applicant could potentially provide much more than 1150 students on the subject site – solely by a square footage calculation. See also above, at Page 7.

6. Supplying potable water without providing disinfection by a public water supply system.

Staff analysis: Not applicable to this application.

7. Air pollution which is harmful to human beings, animal life, or plant life.

Staff analysis: Not applicable to this application. See reports enclosed from various review agencies.

8. *Water pollution which is harmful to human beings, animal life, or plant life.*

Staff analysis: Not applicable to this application. See reports enclosed from various review agencies.

9. *Ground pollution which is harmful to human beings, animal life, or plant life.*

Staff analysis: Not applicable to this application. See reports enclosed from various review agencies

10. *Objectionable odors which are harmful to human beings or animal life.*

Staff analysis: Not applicable to this application. See reports enclosed from various review agencies. See also analysis relating to nuisances and odor.

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J. RECOMMENDATIONS:

The requests for a special exception and site plan modification for school use, expansion, and number of students is recommended for approval, as modified by the conditions delineated below. Staff therefore, pursuant to Section 33-311(A)(7) determines as follows, related to the plans entitled Palmer Trinity Private School Campus Master Plan as prepared by Duany Plater-Zyberk & Co., consisting of 36 sheets, dated stamped received November 1, 2007, as revised by the plans entitled Palmer Trinity Private School Campus Master Plan as prepared by Duany Plater-Zyberk & Co., consisting of 48 sheets, dated stamped received April 19, 2010, with the following conditions:

1. All variance requests have been withdrawn and are hereby specifically recognized as withdrawn. This includes all height, story and natural terrain parking variances. The 2008 plan included a steeple up to 70 feet in height. No variance was needed for the steeple, it would have been permitted, as of right. The Applicant has voluntarily withdrawn its request for a steeple/church tower and said request is considered withdrawn.

2. The special exception to expand the non-public school use onto parcel B is recommended for approval.

3. The special exception to increase the non-public school number of students to 1150 is recommended for approval.

4. Preliminary Conditions:

4.1 The Applicant shall execute a unity of title document to be recorded in the public records of Miami-Dade County, which unity of title shall covenant (or provide a covenant in lieu of unity of title) the property holder(s) to join the parcels together as one parcel, in a form approved by the Village Attorney, consistent with the requirements of the Village's Land Development Code⁷. The covenant shall be in final form for recording within 45 days of final approval. No permits shall issue until the covenant/unity of title is recorded.

4.2 The Applicant shall record an acceptable and approved restrictive covenant running with the land for specific conditions, which covenant shall exist for 30 years, and automatically renew for 10 year periods, thereafter.

⁷ Although a unity of title, or covenant in lieu of, shall be required, in order to facilitate understanding the conditions contained in this application, the addresses of 7900 SW 176th Street and 8001 SW 184th Street shall be utilized.

4.3 Any substantial modification [pursuant to 30-30.3(c) of the Village's Code of Ordinances] or abandonment of the attached site plan shall require public hearing. The term "substantial compliance" for the purposes of this approval shall mean a modification or substitute site plan of equal, or lesser intensity including floor area ratio, lot coverage, square footage, and height; and provide equal or greater setbacks, buffering, landscaping and amenities. In no way shall student enrollment be expanded due to a substantial compliance review.

4.4 Cap of Intensity of Uses and Student Population. Applicant shall limit future development and agrees that it shall not seek any further development approvals to increase the intensity of uses, to increase lot coverage, square footage, heights of structures, or exceed 1150 students for 30 years following the recording of this covenant. Specifically, no buildings shall exceed two (2) stories or a roof elevation of 35 feet in height measured from finished floor.

4.5 Student Enrollment Defined and Reporting. Applicant shall not exceed 1,150 students in enrollment. Applicant agrees to submit an executed affidavit from the Headmaster of the School each year to the Village Manager, within 30 days of the first day of the applicable school year, identifying the number of students enrolled for the academic school year and attesting the number of students enrolled in the school. This information shall be provided to the Village, annually, for as long as a school is located on the site. Applicant agrees and acknowledges that the "maximum number of students" shall mean the actual number of students enrolled at the school as reported to the State of Florida and the Florida Council of Independent Schools and shall not be the daily average attendance, nor exclude any students that may be traveling/studying abroad. The Applicant shall provide a copy of the FCIS to the Village once it becomes available. The maximum number of students shall include all student transfers during the school year. Any increase in students enrolled at the school after the initial annual enrollment is disclosed shall be reported to the Village within five (5) business days of the event.

4.6 Should Applicant violate section 4.5 relating to the number of students enrolled by exceeding 1150, and should Applicant fail to cure the excess enrollment within 30 days of written notice, such an act shall constitute a false statement or misrepresentation of fact that would permit the Village to revoke the most recent building permit or certificate of occupancy issued by the Village.

4.7 Student expansion shall comply with the timetable provided under Exhibit 6.

4.8 Community Relations Committee. The Applicant shall create a Community Relations Committee that will be charged with the responsibility of

facilitating future discussions with neighbors (properties within 2500 feet) in an effort to avoid or resolve potential disputes between the Applicant, the neighbors, and the Village. The Applicant agrees to cooperate and act in good faith with the Community Relations Committee in an effort to avoid or resolve potential disputes in the Community as it relates to the Applicant's property. The Committee shall be a voluntary group, with three (3) representatives from the Applicant, and three (3) representatives from the neighborhood, as selected by the Village Council, and a representative from the Village Manager's Office. The group shall meet as needed, but not less than twice a year. The Village shall be provided with prior written notice of all such meetings, if possible at least two weeks in advance of any such meeting(s). The actions of the group shall not be binding. Rather, the group meetings are intended to be a mechanism for communication, discussion and resolution of any pending items.

4.9 The Applicant agrees and affirms that there will be no objection now or in the future to controlled burns conducted by Miami-Dade County at Bill Sadowski Park for the park's management. The Applicant further agrees not to interfere, due to lighting issues, with night program schedules for Bill Sadowski Park. The Village will attempt to coordinate with Miami-Dade County to provide the Applicant with prior notice of controlled burns.

4.10 The Applicant shall comply with all applicable State, County, and Village Codes and Ordinances, including but not limited to the Village's Art in Public Places Ordinance.

4.11 Unpermitted and unconstructed portions of prior development approvals (1999 plans, 2000 and 2010 substantial compliance reviews) shall be considered withdrawn and abandoned.

4.12 An official inspector of the Village, or its agents duly authorized, have the privilege, at any time during normal working hours, of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions contained herein are being complied with.

4.13 Applicant shall comply with the Land Development Regulations for maintain the sanitary sewer concurrency levels, during construction and throughout operations.

4.14 In compliance with the requirements of Section 33-155.51, of the County Code, the Applicant shall record a covenant running with the land that ensures compliance with the minimum footage requirements, calculations and conditions upon which the additional square footage has been permitted.

5 Pre Construction – Construction – Build Out Conditions:

5.1 All components of the approved site plan shall be completed according to the schedule attached hereto, which provides that the approved construction shall not be completed earlier than 15 years and no later than 25 years from the date of zoning approval. The Preliminary Construction Schedule for Phase 1 is enclosed as Exhibit 7. This recommendation is consistent with the newly adopted Land Development Code, Section 30-30.2(d)(16) and (k), relating to requiring a construction plan and timetable.

5.2 Staggering of Student population. The increase in student population to 1150 shall comply with Exhibit 6, which reflects the schedule of proposed annual increased in student population, which total increase to 1150 shall occur no earlier than 15 years after zoning approval.

5.3 Construction Staging:

5.3.1 The Applicant shall annually submit a construction staging plan for review and approval prior to commencement of construction. Phase 1 is enclosed as Exhibit 7.

5.3.2 Construction staging shall take place as preapproved by the Village's Planning & Zoning and Building Directors, on the property known as 8001 SW 184th Street, where possible, towards the center of the property, away from the proposed 75 foot buffers.

5.3.3 Construction trailers for staging area are permitted under the Village's Code.

5.3.4 The staging area may be cleared during Phase 1 of the construction plan.

5.3.5 Construction shall comply with the noise controls provided in the Village's Code of Ordinances, section 30-60.29.

5.3.6 The driveway area may also be cleared during Phase 1.

5.3.7 Access points by construction vehicles shall be identified as part of the Construction Plan for Village approval. No construction vehicle shall access through the neighborhood. Unless necessary for a specific item, no construction vehicles shall access through SW 176th Street. All other construction vehicles must use the SW 184th Street once that entrance is constructed under the Phase 1 Construction Plan.

5.4 Permitting and Property Clearance. The Applicant shall not remove any trees outside the 75 ft. buffer, unless a building permit and/or tree removal permit, if required, have been secured for the construction of the work being requested. At no time shall the entire 8001 SW 184th Street site be clear all at once.

5.5 Construction Air Quality Management Plan. The Applicant shall provide a Construction Air Quality Management Plan on the construction drawings that, at a minimum, includes protecting ducts during construction and changing the filters and vacuuming ducts prior to occupancy. The submitted plans must note compliance with this provision.

5.6 MOT Plan. A construction and Maintenance of Traffic (MOT) Plan shall be provided to the Building and Public Works Departments for approval.

5.7 The Applicant shall comply with the Village's demolition and construction fencing ordinance.

5.8 The entrance and roadway onto 8001 SW 184th Street may be constructed prior to any other improvements. However, the required perimeter walls (eastern and western property lines) and 75 ft. buffers, to be located at 8001 SW 184th Street, with required landscaping shall be installed and/or constructed prior to the commencement of construction of any additional structures or improvements. The wall shall be constructed, and then the buffer shall be installed, no later than two (2) years of receiving the final zoning approval. One extension of time, not to exceed six (6) months, may be granted by the Planning & Zoning Director, upon a showing of good cause. "Good cause" would include timely request for permits, submitting for inspections and reviews, diligent efforts to adhere to the construction schedule, and force majeure type events (weather delays or civil unrest).

5.9 The Applicant shall work with the Village and County to install "Do not Block Intersection" signs along SW 184th Avenue from SW 82nd Avenue to Old Cutler Road.

5.10 The existing portable classrooms trailers located along the western edge of 7900 SW 176th Street shall be eliminated as soon as replacement facilities are constructed, and within 18 months after final zoning approval. One extension of time, not to exceed six (6) months, may be granted by the Planning & Zoning Director, upon a showing of good cause. "Good cause" would include timely request for permits, submitting for inspections and reviews, diligent efforts to adhere to the construction schedule, and force majeure type events (weather delays or civil unrest).

5.11 Failure to construct the replacement facilities for the portables described at section 5.10 within the time period provided therein shall require that

the portables be removed immediately upon the expiration of the 18 month period. One extension of time, not to exceed six (6) months, may be granted by the Planning & Zoning Director, upon a showing of good cause. "Good cause" would include timely request for permits, submitting for inspections and reviews, diligent efforts to adhere to the construction schedule, and force majeure type events (weather delays or civil unrest). Failure to remove the portables shall also result in the denial of future permits due to site plan violations in addition to any other remedy provided below under Section 15, "Enforcement."

6. Athletic Fields and Amenities:

6.1 The Applicant shall not use the athletic fields for commercial purposes such as renting, leasing, or allowing third-parties unaffiliated with the operation of the school (no third-party organizations or groups) to use the recreational facilities. Applicant shall annually provide proof of existing division-type play, tournaments, organized sports and uses of its facilities to the Village. Prior to the beginning of each season, for each sport, the Applicant shall provide the Village with a list of proposed events – tournaments and league play.

6.2 The Applicant shall submit a proposed list of school special events planned for each school year to the Village Manager not later than August 15th of the applicable school year for Village administrative review. Any other/additional special event shall require advanced notice for review as a special event under the Village's procedures. A police officer, or equivalent, shall be required to be present at all special events held at the school, if required by the Village's Code, after review as a special event permit.

6.3 Solely one (1) athletic tournament, jamboree, or division-type play (where numbers of spectators and opposing team(s) are invited to play on site) shall take place at one time on the property (7900 SW 176th Street through 8001 SW 184th Street). To be clear, this condition relates to holding one event. Not several events, different sports, at same time. Any athletic tournaments, etc., may take place after normal school operating hours (after 3:00 p.m.) and weekends from 10:00 a.m. and 3:00 p.m.

6.4 No bleachers shall be located adjacent to the eastern and western buffers of 7900 SW 176th Street and 8100 SW 184th Street. Adjacent shall mean not within 20 feet of the buffers.

6.5 The Applicant shall provide fencing for the tennis center.

6.6 The Applicant shall not install lighting for outdoor uses other than the parking areas, and any emergency lighting requirements of the Code. The interior of the pool may contain lights.

6.7 The pool shall be enclosed with a fence and hedge with a minimum height of six feet (6 ft.) and comply with the safety barrier requirements of 33-151.11 through .22 of the Code. Any interior chain link fencing shall be poly-coated vinyl and black or green in color. The pool shall not be constructed during Phase 1 and is not to be constructed for at least five (5) years after final zoning approval.

6.8 The Applicant shall comply with condition 10.4 relating to lighting and Bill Sadowski Park.

7. Landscaping:

7.1 The Applicant shall meet all the minimum requirements of Division 30-100 of the Village's Code of Ordinances, Chapter 24 of the Miami-Dade County Code and specifically comply with all conditions imposed by Miami-Dade County DERM.

7.2 The Applicant shall covenant that no improvements, other than as provide in recommendation 7.3, shall be permitted within the confines of the buffer area (i.e. no roads, parking, storage sheds, recreational, sports or any other use that may negatively impact the buffer).

7.3 The buffer shall be landscaped in accordance with the Applicant's revised landscape plan received by the Village on April 19, 2010. In addition, the Applicant shall construct a three and a half foot (3.5 ft.) berm on the interior, internal to the site, adjacent to the six foot (6 ft.) CBS wall to be constructed along the eastern and western perimeter of 8001 SW 184th Street. The berm shall be approved by the Planning & Zoning staff as part of the landscape plan review. The landscape buffer as indicated on Sheet 39 shall be installed along the entire eastern and western perimeter as depicted therein throughout the 75 foot buffer for the area known as 8001 SW 184th Street. The berm shall be incorporated into the buffer design, found at Sheet 39 (maintenance path shall be reduced in width as provided in these conditions). The layout found at Sheet 39 shall not be limited to solely the parking area adjacent to the buffer, but rather throughout the buffer fringe – creating a solid hedge along the interior edge of the buffer.

7.4 The western buffer along 8001 SW 184th Street may contain a meandering pedestrian path, within the innermost/interior 25 feet of the 75 foot buffer. The Applicant shall limit the meandering walking path to a maximum width of six feet (6 ft.). The pedestrian path shall solely be used for pedestrian/walking/ running purposes.

7.5 Where practicable, the maintenance path and the meandering walking path shall be the same path, along the eastern and western buffers for

8001 SW 184th Street. Final determination/approval of "where practicable" shall be made by the Village's Planning & Zoning Director. Otherwise, the maintenance path shall be limited to a maximum width of eight feet (8 ft.) and should be used solely for maintenance purposes. The Maintenance portion of the "joint-path" shall not be paved [the increase to eight (8) feet – a two-foot non-paved area surrounding the six foot (6 ft.) pedestrian path]. All other buffers shall solely contain an unpaved, up to eight (8) foot maintenance path.

7.4 The eastern and western perimeters of 8001 SW 184th Street shall contain a concrete wall six, feet (6 ft.) in height, finished on both sides and maintained by the Applicant. The southern boundary at SW 184th Street and northern boundaries at SW 176th Street shall provide a six foot (6 ft.) wrought iron fence with masonry columns. The eastern and western perimeters of 7900 SW 176th Street already contain a six foot (6 ft.) concrete wall that shall be required to be maintained, on both sides.

7.5 The Applicant shall provide and/or replace landscaping improvements along SW 184 Street and SW 176 Street fronting the school in compliance with the Village's Street Tree Master Plan prepared by O'Leary Richards Design Associates, Inc., and in coordination with the Village's Public Works and Planning & Zoning Departments.

7.6 The Applicant shall preserve existing trees (including native trees) during the development of the project, wherever possible. If the trees must be removed, the Applicant shall be required to mitigate the impact in accordance with Village and DERM requirements. If the relocated trees do not survive, the Applicant shall be required to replace the trees in compliance with DERM and Village requirements.

7.7 The Applicant shall install additional oaks and planting materials on the northwest perimeter of buildings no. 16 and 18 in order to provide additional screening to the adjacent neighborhood located on the western boundary of the property. The Applicant is to provide two (2) native trees and a cluster of palms.

7.8 The pool area shall be landscaped as provided under section 6.7, above.

7.9 The Applicant shall prohibit parking by faculty, visitors and students on the rights-of-way bordering the school by planting and maintaining landscaping along the rights-of-way in accordance with Village requirements. The Applicant shall work with the Village and County to install "No Parking" signs for the right-of-way along SW 176th Street and SW 184th Street.

7.10 Applicant shall maintain the areas identified herein as "buffer" and shall be required to perpetually maintain the landscaping within the buffer with the identified native species and other plantings provided in the landscape plan.

At no point shall structures be constructed within the buffer area. The buffer shall consist of the 75 foot set aside along the east, west and southern perimeters of 8001 SW 184th Street; and the 50 foot set aside along the east, west, and northern perimeters of 7900 SW 176th Street.

7.11 Applicant shall provide annual update, plan, as to the maintenance for the buffer areas.

7.12 Buildings 16 and 18 shall require Live Oak trees, or comparable trees, every 20 feet on center for the length of the structures. Each tree shall have an overall height of 16 feet. For Building 16 the trees shall be planted along the west façade and for Building 18 along the east façade.

8. Traffic:

8.1 The Applicant shall be responsible for compliance with land Development Regulations relating to traffic concurrency requirements.

8.2 The Applicant shall hire one (1) police officer, or equivalent, during regular session, (per entrance) to control traffic during peak morning and afternoon school hours for each entrance to the school (SW 176th Street and SW 184th Street). The school shall also utilize a police officer for special events, as is required under condition 6.2.

8.3 The Applicant shall install traffic calming devices along the internal circulation driveways and roadways in compliance with the Site Plan and Traffic Study prepared by David Plumber & Associates.

8.4 The Applicant shall control the entry points to the school by directing student, teacher and staff to enter and exit the school from SW 184 Street driveway. The entrance to SW 176th Street shall solely serve as the drop-off and pick-up location for students. This process will be implemented through a decal program. The different color decals will be distributed and assigned to a specific driveway. The security gatehouse at each driveway will monitor for proper use of the decal. Violators shall be contacted by the school master and security to ensure proper enforcement.

8.5 The Applicant shall fund a series of peak hour intersection turning movement counts, and 72 hour link counts to be taken by the Village along SW 176 Street and at the school driveway entrance on that street. These are to occur on a random basis each semester of school operations in perpetuity at the discretion of the Village.

8.6 If either the 1370 trip daily volume or 960 combined trip volume peak thresholds are violated, the Applicant will be notified in writing and be required to enact measures to bring the traffic volumes into compliance. To do so the Village will require the school to propose at least three (3) mitigative measures that would be enacted should the situation arise. Some of the mitigation measures that could be considered are color coded decal system (see condition 8.4); limiting access to/from SW 176th Street to the east only; license plate numbers entrance assignment; lottery assignment; controls/prohibitions/signing; and closing internal roads so driveway entered must be exited. If the corrective action is not implemented within three (3) weeks of the school being noticed of the violation, the Village will require the entrance be closed until corrective action is implemented by the school. The Village will then verify that the actions to correct the violation are working through additional Village traffic counts paid for by the School.

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

8.8 The SW 176th Street entrance shall not be used for the delivery of goods or services to the school or by commercial vehicles. All buses and vans use to transport students to and from the property should use SW 184 Street as ingress and egress.

8.9 The SW 176th Street entrance shall be closed at 7:00pm everyday.

8.10 The Applicant shall develop an alternative transit mode feasibility program within three (3) years after receiving the zoning approval. The program should provide incentives for the student to use alternative mode of transportation such as carpool, public transportation or private mass transit to get to and from school.

8.11 The Applicant shall be responsible for implementing the following mitigation initiatives, as delineated in the David Plummer & Associates Report, dated April 22, 2010:

- (a) Old Cutler Road/ SW 184 Street – Add a southbound right turn lane; signal phasing adjustments.
- (b) SW 184 Street at the project driveway – Construct an eastbound left turn lane.
- (c) SW 184 Street at the project driveway – Construct a westbound right turn lane.
- (d) Provide one off –duty police officer at each driveway during morning drop-off and afternoon pick-up periods to monitor/control traffic.

8.12 Applicant shall be responsible for all expenses relating to traffic control, police involvement, and police participation in traffic movements (the traffic plan). The traffic plan relating to the daily school use and/or for any special events at the school for the roadways shall be subject to approval of Village Police Department and Village Police Officers are to be hired by and paid for by Applicant to manage traffic at entrance(s) to school and off-site locations affected by traffic conditions.

8.13 Applicant shall install a "No Left Turn" sign at the exit to SW 176th Street and shall preclude left-hand turns onto SW 176th Street, westbound, from the Applicant's SW 176th entrance. This condition shall be required, at a minimum, during peak hours.

8.14 If vehicle stacking/queuing spills-over onto SW 176th Street, the applicant shall be required to provide additional on-site stacking to accommodate the spill-over. This would require a modification of the circulation plan, which shall be reviewed by the appropriate Village Departments for Compliance. The Applicant shall not be required to obtain Council approval to make the necessary stacking related, circulation modifications to the interior of the property.

8.15 Applicant shall comply with the "safe routes to school" requirements of 1006.23, Florida Statutes.

9. Parking Related Conditions

9.1 Comply with condition 7.11 relating to precluding right-of-way (ROW) parking. Cross-reference with section 7.9, above.

9.2 No parking of vehicles in any of the interior buffers to the property (7900 SW 176th Street or 8001 SW 184th Street).

9.3 The Applicant shall install pavers in the parking lot to minimize the stormwater runoff impacts, rather than asphaltting the entire parking area, in compliance with Section 28-6(b)(1), of the Village's Code of Ordinances.

9.4 No loud radios shall be allowed within the parking areas of the entire site.

9.5 Lighting shall be consistent with conditions 10.2 and 10.3, below.

9.6 That the Applicant shall maintain a sign prohibiting bus traffic, bus parking, student, faculty or visitor parking along the swales/entrances to the Applicant's property.

9.7 Proposed installation of 48 sable palms to be planted in the northwestern corner of 8001 SW 184th Street shall be replaced with Live Oak Trees, or other trees acceptable to the Village, as the Oaks shall reduce the "heat island effect," shall enhance the buffering of the site, and increase the tree canopy for the site. The landscaping for the parking lot shall be reviewed at permitting by the Planning and Zoning Department as to the number and type of trees.

9.8 A continuous hedge shall be incorporated around all parking areas and shall meet all requirements of Chapter 18A, subsections (I) and (J).

9.9 Applicant is not to create any additional, unimproved temporary or permanent parking areas on the property.

10. Lighting & Energy:

10.1 The Applicant shall not install lighting for outdoor use other than for parking and/or Code required emergency lighting. The interior of the pool, below the water surface, may contain lights.

10.2 Applicant shall install and maintain parking area light fixtures which project the light rays directly to the parking 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. Outdoor parking lot area light fixtures shall not cast more than 1/2 ft. candle at the property line.

10.3 The parking lot lights and all other outdoor lighting (whether for security, roadway or parking) should have a maximum overall height of 15 feet.

10.4 The Applicant shall not interfere with night programming at Bill Sadowski Park and no athletic field lighting shall be permitted so as preclude adverse effects to the night programming at the Park and residential community.

10.5 The Applicant shall be required to comply with the conditions of Section 28-6, of the Village's Code of Ordinances relating to the "Minimum Green Standards" (relating to LED lighting, pavers, energy saving fixtures and water conservation).

10.6 The Applicant shall provide roof location in those structures with flat roofs to install conduit from the electrical room for future Photovoltaic System (PV) installation. A minimum of 300 sq. ft. or larger of roof area in a south or west direction shall be dedicated and clear of vent pipes and other obstructions to allow for the installation of a future PV system. The submitted plans must note compliance with this provision.

10.7 The parking lot and internal circulation lights shall be placed on a timer consistent with the termination of operational hours and consistent with applicable codes.

11. Noise:

11.1 Noise emanating from athletic fields and bleachers shall not generate a direct sound pressure level in excess of 65 decibels at the school's boundaries, as provided under the Village's Code Section 30-60.29, as may be amended. The Village will notify the school and the Community Relations Committee of any violations of the noise ordinance. The Village and Applicant will immediately work together to develop corrective action(s). If the corrective action(s) is/are not implemented within three (3) weeks of its adoption, the Village will require that all after-hours field activities be temporarily postponed until the corrective actions are implemented by the school.

11.2 The Applicant shall install and maintain signs reading: "No radios beyond this point" at the guard house or other location approved by the Village's Planning & Zoning Department. Any student found by the Applicant's administration to have violated the sound restriction, after a warning, would be disciplined within the Palmer Trinity Rules and Procedures.

11.3 At 7900 SW 176th Street, the Applicant shall ensure bells, pulses, buzzers, or other sounds to signal class times during school operating hours on days when school is in session shall not generate a direct sound pressure level in excess of 65 decibels above ambient sound measured by the A-weighted scale at the school's boundaries, as provided under the Village's Code, Section 30-60.29, as may be amended.

11.4 At 8100 SW 184th Street, the Applicant shall use digital signage system or other non-noise devices approved and recommended by the American with Disability Act (ADA) and the ADA Standards for Accessible Design, to signal change of class times and announcements.

11.5 Any temporary public address speaker system or similar amplified sound device in the athletic fields shall not be operated between the hours of 5:00 p.m. and 10:00 a.m. (Monday thru Friday). On Saturday, the temporary public address speaker system or similar amplified sound device in the athletic fields shall not be operated between the hours of 2:00 p.m. and 10:00 a.m. The temporary public address speaker system shall be used in compliance with the Village's noise Ordinance 30-60.29, as amended, and shall not generate a direct sound pressure level in excess of 65 decibels at the school's boundaries.

12. Environmental:

12.1 The Applicant shall provide a space for the collection and storage of recyclables. This provision provides convenient access to recycling facilities and encourages building occupants to utilize the recycling programs to their fullest. Projects shall comply with the minimum solid waste and recyclables storage requirements. Applicant shall depict the collection and storage area(s) location on submitted plans.

12.2 The Applicant shall use interior paints and wood finishes with low volatile organic compound levels that do not exceed 50 grams per liter flat, or 150 grams per liter non-flat. This shall be noted on the approved plans.

12.3 The Applicant shall hire an archeological consultant to execute a Phase 1 Archeological Survey prior to development. This will determine whether potential archeological sites exist within the property. List of archeological consult has been provided to the Applicant. The selected archeological consultant shall work closely with Miami-Dade County, Office of Historic and Archeological Resources, during this process. In the event, archeological resources are found, the archeological consultant and the Applicant shall contact the County's Office of Historic and Archeological Resources for guidance regarding additional testing and/or archeological monitoring. If unmarked human remains are located, Florida State Statutes 875.05(Florida's Unmarked Human Burial Act) shall apply and all work shall cease. The State Archeologist shall then be notified.

13. Operations.

13.1 Service and delivery vehicles, including 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]. Saturday deliveries would be allowed from 10:00 a.m. to 1:00 p.m. Service and delivery vehicles shall use the SW 184th Street entrance. This requirement shall be implemented upon the construction of the SW 184th Street entrance.

13.2 Service, delivery and storage areas and equipment shall be adequately screened and located away from view of adjacent properties, in accordance with the proposed site plan.

13.3 That interior use of school facilities shall be restricted to the hours of operation between 6:00 am and 10:00 pm, provided that the use is by the Applicant for school-related purposes.

13.4 The property shall not be used for commercial leasing purposes. Commercial leasing purposes shall mean any use not directly affiliated with the

school operations of the Applicant. In addition, it shall mean the use of the Applicant's property, buildings and facilities for economic value or profit through third-parties.

13.5 Service, delivery and storage areas and equipment shall be adequately screened and located away from view of adjacent properties, in accordance with the proposed site plan.

14. Structures.

14.1 The two (2) longer structures (building 16, the gymnasium and building 18, the performing arts building) should be modified as follows: the wider portion of these structures are approximately (260 ft x 149 ft.). The Southern portion of each building provides a "tail-like" continuation/extension of approximately 110 feet. These "tail-like" extensions should be setback/offset six feet (6 ft.) from the wider portions of each building. As to Building 16, the six foot (6 ft.) setback/offset should be towards the east boundary. As to Building 18, the six foot (6 ft.) setback should be setback towards the west boundary.

14.2 In addition, along the 110 foot setback portion of Buildings 16 and 18, there should be a colonnade or arcade, with first floor roof-like structure, to break-up the monolithic volume.

14.3 In compliance with section 7.12, Live Oak trees, or other equivalent type trees, with an overall size of 16 feet in height, should be planted along the remaining east side of Building 18 and along the remaining west side of Building 16, every 20 feet on-center for the length of the structures (area not covered by the first floor roof-like arcade structured area). The 16 foot trees should be root pruned to encourage their ability to survive the shock of planting.

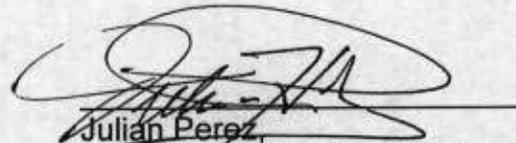
15. Enforcement.

15.1 Non compliance with the approved site plan shall result in the denial of future permits and may result in a daily fine, per violation, as provided under section 15.2, below.

15.2 A violation of any of the development approvals and/or conditions of the Village Council will result in a \$500.00 a day fine, per violation. The Village shall provide Applicant with a reasonable notice to cure period. The Applicant is entitled to an appeal of the notice of civil citation pursuant to the procedures for the Village Special Magistrate, found at section 2-205 of the Village's Code.

15.3 Cross-reference with specific enforcement provisions relating to section 4.6 as to student population and removal of portables under section 5.11.

15.4 Authorization for the Village of Palmetto Bay to Withhold Permits and Inspections. In the event the terms herein are not being complied with, in addition to any other remedies available, the Village is authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as the conditions contained herein are complied with. The Village shall provide Applicant with a reasonable notice to cure period. The Applicant may follow the procedures for the Village Special Magistrate regarding any appeal.



Julian Perez,
Planning and Zoning Director

Julian Perez

From: Nathan Kogon [Nathan.Kogon@cityofdoral.com]
Sent: Friday, April 30, 2010 12:23 PM
To: Julian Perez
Cc: Eve Boutsis; Efren Nunez
Subject: RE: Request for Information

Julian,

There are other policies which permit uses like, churches, schools, congregate living facilities and small-scale public facilities in residential land use categories such as the EDR. Specifically with schools.. Pursuant to Policy 1.4.1. of the City of Doral Comprehensive Development Master Plan (CDMP), "Public Schools are allowed in all land use categories shown on the adopted Future Land Use Map and all zoning districts contained in the LDC." Additionally, Policy 7.3.4 of the City's CDMP states "Schools shall be allowed in all land use categories on the adopted Future Land Use Map and all zoning districts in the Land Development Code."

Regards,

From: Julian Perez [mailto:jperez@palmettobay-fl.gov]
Sent: Friday, April 30, 2010 11:58 AM
To: Nathan Kogon
Cc: Eve Boutsis; Efren Nunez
Subject: RE: Request for Information

Nathan:

Thank you for your response. Based on your explanation. Can you please inform us if schools and/or other permitted uses are allowed in your EDR. Thank you for the information.

Julian H. Perez
 Director
 Planning & Zoning Department
 8950 SW 152nd Street
 Palmetto Bay, FL 33157
 305-259-1260

From: Nathan Kogon [mailto:Nathan.Kogon@cityofdoral.com]
Sent: Friday, April 30, 2010 11:44 AM
To: Julian Perez
Cc: Eve Boutsis; Ron Williams; Efren Nunez
Subject: RE: Request for Information

Julian,

I interpret the "EDR" Future Land Use Category pursuant to Policy 1.1.1. of the City of Doral's Comprehensive Development Master Plan as to mean that residential development in this category shall only permit single-family homes with a maximum of 6 units per acre and a maximum of two stories. Having said that, the City does have other policies which allow other specific uses to be permitted in land use categories, including this one. Please let me know if this helps.

Regards,

From: Julian Perez [mailto:jperez@palmettobay-fl.gov]
Sent: Friday, April 30, 2010 9:08 AM
To: Nathan Kogon
Cc: Eve Boutsis; Ron Williams; Efren Nunez
Subject: Request for Information

Nathan:

Good morning. Hope this e-mail finds you well. In reviewing your "Land Use Element and FLUM, I noticed that both the Village and the City of Doral have a similar policy and definition related to Estate Density Residential (EDR).

Land Use Element:

City of Doral

Policy 1.1.1. Estate Density Residential (EDR) - The residential densities allowed in this category shall not exceed 6 dwelling units per gross acre. This density category is characterizes solely by detached single-family homes on relatively large lots. No attached residential units are allowed in this category. Building height is limited two floors.

Village of Palmetto Bay

Policy 1.1.1. Estate Density Residential (EDR) - The residential densities allowed in this category shall not exceed 2.5 dwelling units per gross acre. This density category is characterized solely by detached single family homes on relatively large lots.

Can you please inform us how the City of Doral interpret Policy 1.1.1 of your Land Use Element?

Regards

Julian H. Perez
Director
Planning & Zoning Department
8950 SW 152nd Street
Palmetto Bay, FL 33157
305-259-1260

Please note that the State of Florida's Public Records Laws provide that most written communications to or from the City of Doral regarding government business are public records available to the public upon request. This e-mail communication may therefore be subject to public disclosure.

Please note that the State of Florida's Public Records Laws provide that most written communications to or from the City of Doral regarding government business are public records available to the public upon request. This e-mail communication may therefore be subject to public disclosure.

4/30/2010

Efren Nunez

From: Efren Nunez
Sent: Thursday, April 29, 2010 10:32 AM
To: Julian Perez
Subject: FW: Palmer Trinity VPB-07-012

-----Original Message-----

From: Ransom, Jeff (DP&Z) [mailto:JRANSOM@miamidade.gov]
Sent: Thursday, April 29, 2010 10:09 AM
To: Efren Nunez
Cc: Kauffman, Kathleen (DP&Z)
Subject: RE: Palmer Trinity VPB-07-012

Hi Efren,

Here's my suggestion for the language:

The applicant shall hire an archaeological consultant to execute a Phase I Archeological Survey prior to development. This will determine whether potential archeological sites exist within the property. A list of archaeological consultants shall be provided to the applicant. The selected archaeological consultant shall work closely with the applicant and the Miami-Dade County Office of Historic and Archeological Resources during this process. In the event, archeological resources are found, the archaeological consultant and the applicant shall contact the County's Office of Historic and Archeological Resources for guidance regarding additional testing and/or archaeological monitoring. If unmarked human remains are located, Florida State Statute 875.05 (Florida's Unmarked Human Burial Act) shall apply and all work shall cease. The State Archaeologist shall then be notified.

Please let me know if you have any questions or concerns.

Regards,

Jeff

Jeff B. Ransom
County Archaeologist
Department of Planning and Zoning
Office of Historic and Archaeological Resources
111 N.W. First Street Suite 695
Miami, Florida 33128
Direct Line: (305) 375-3412
Main Office: (305) 375-4958
Fax: (305) 372-6394
"Delivering Excellence Every Day"

-----Original Message-----

From: Efren Nunez [mailto:enunez@palmettobay-fl.gov]
Sent: Wednesday, April 28, 2010 4:25 PM
To: Ransom, Jeff (DP&Z)
Cc: Julian Perez; Eve Boutsis
Subject: RE: Palmer Trinity VPB-07-012

Good afternoon Jeff,

This is sent to follow up on our meeting earlier today regarding the Palmer Trinity application. As the representative of Miami-Dade County Office of Historic and Archeological Resources, you requested that the Village incorporate the following language into its conditions for the Palmer Trinity Application.

Efren Nunez

From: Ahmed, Zafar (MDPR) [ZNA@miamidade.gov]
Sent: Thursday, April 29, 2010 9:11 AM
To: Efren Nunez; jperez@palmettobay-fl.org
Cc: Nardi, Maria (MDPR); Gregg, W. Howard (MDPR)
Subject: FW: Palmer Trinity Application -VPB- 07-012-B

Miami-Dade County park and Recreation Department has reviewed the subject application and county staff has met with the Village of Palmetto Bay's Planning and Zoning staff to discuss the application. The Department has no objection to the approval of the application based on the revisions and the agreements proffered by the applicant to mitigate impacts of the proposed expansion of the school. There will be no adverse effect on night programming at Bill Sadowski Park since the applicant has agreed to eliminate all exterior lighting, except as required by code for security and parking. Elimination of Athletic Field lighting will remove concern that ambient light after dark would adversely affect park programs. Additionally, Palmer Trinity's has provided acknowledgement of no objection now or in the future to controlled burns

Miami-Dade Park and Recreation has a particular interest in this application because the Southern portion of Bill Sadowski Preserve, at 1755 SW 79 Ave, abuts the eastern property line of the existing school property. Therefore, the following conditions **must be included** in any approval of the proposed development at Palmer Trinity :

1. Management of the Property requires periodic controlled burns. Should the plan be approved, it would be imperative that the school cooperate with the County in the planning and execution of prescribed burns.
2. Park Programming includes evening events. The Southern Cross Astronomical Society has regularly scheduled and special event star gazing evenings in the northern part of the preserve. Other evening programs at the park include outdoor storytelling and night nature walks. Thus the plans, if approved, must be on condition that there will be no athletic court or field lighting that would adversely affect night programming at the park.

From: Nardi, Maria (MDPR)
Sent: Thursday, April 29, 2010 9:06 AM
To: Ahmed, Zafar (MDPR)
Subject: RE: Palmer Trinity Application -VPB- 07-012-B

Looks good. please forward to the person you contacted at Zoning.

Maria I. Nardi, Chief
Planning and Research Division
Miami-Dade County Parks and Recreation
 275 NW 2nd Street, Miami, Florida 33128
 Phone 305-755-7860 Fax 305-755-7864
www.miamidade.gov/parks

"Delivering Excellence Everyday"

*"Building a livable community, one green space at a time."
 2008 Parks and Open Space System Master Plan*

 Save a tree. Don't print this e-mail unless it's really necessary.

From: Ahmed, Zafar (MDPR)
Sent: Wednesday, April 28, 2010 12:18 PM
To: Nardi, Maria (MDPR)
Subject: RE: Palmer Trinity Application -VPB- 07-012-B

The following is a draft for comment:

TO: enunez@Palmettobay-fl.org; jperez@palmettobay-fl.org

Miami-Dade County park and Recreation Department has reviewed the subject application and county staff has met with the Village of Palmetto Bay's Planning and Zoning staff to discuss the application. The Department has no objection to the approval of the application based on the revisions and the agreements proffered by the applicant to mitigate impacts of the proposed expansion of the school. There will be no adverse effect on night programming at Bill Sadowski Park since the applicant has agreed to eliminate all exterior lighting, except as required by code for security and parking. Elimination of Athletic Field lighting will remove concern that ambient light after dark would adversely affect park programs. Additionally, Palmer Trinity's has provided acknowledgement of no objection now or in the future to controlled burns

Miami-Dade Park and Recreation has a particular interest in this application because the Southern portion of Bill Sadowski Preserve, at 1755 SW 79 Ave, abuts the eastern property line of the existing school property. Therefore, the following conditions **must be included** in any approval of the proposed development at Palmer Trinity :

3. Management of the Property requires periodic controlled burns. Should the plan be approved, it would be imperative that the school cooperate with the County in the planning and execution of prescribed burns.
4. Park Programming includes evening events. The Southern Cross Astronomical Society has regularly scheduled and special event star gazing evenings in the northern part of the preserve. Other evening programs at the park include outdoor storytelling and night nature walks. Thus the plans, if approved, must be on condition that there will be no athletic court or field lighting that would adversely affect night programming at the park.

From: Ahmed, Zafar (MDPR)
Sent: Tuesday, April 27, 2010 3:51 PM
To: Nardi, Maria (MDPR)
Subject: RE: Miami-Dade County Public Records request - Palmer Trinity Application - vpB 07-012

I met with the Village of Palmetto Bay Planning and Zoning Director and his staff this morning. The Director provided me with an advance copy of the zoning analysis by the Village staff. In addition to the Palmer Trinity's application on a CD ROM, he also shared with me the mandate by the Third District Court of Appeal.

Village staff requested that we send an e-mail as part of Public Comment that ends COB, tomorrow and will be published before the Zoning Hearing on Thursday the 29th.

The revised application includes the following modifications, applicable to Miami-Dade County's park Programs and property at Bill Sadowski Park:

1. The applicant agrees and affirms that there will be no objection now or in the future to controlled burns conducted by Miami-Dade County at Bill Sadowski Park for the park's management.

4/30/2010

2. The applicant shall not to interfere with night program schedules for Bill Sadowski Park and no athletic lighting will be permitted, so as to preclude adverse effects to the night programming at the park and residential community.
3. The applicant agrees not to install lighting for outdoor uses other than that needed for parking areas, and emergency lighting requirements of the code. Only the interior of the pool may contain lights.

Recommended Comment To the Village:

The Department has no objection to the approval of the application based on the revisions and the agreements proffered by the applicant to mitigate impacts of the proposed expansion of the school. There will be no adverse effect on night programming at Bill Sadowski Park since the applicant has agreed to eliminate all exterior lighting, except as required by code for security and parking. Additionally, Palmer Trinity's has provided acknowledgement of no objection now or in the future to controlled burns

From: Ahmed, Zafar (MDPR)
Sent: Tuesday, April 27, 2010 8:45 AM
To: Nardi, Maria (MDPR)
Subject: Fw: Miami-Dade County Public Records request - Palmer Trinity Application - vpb 07-012

I am going to Palmetto Bay Village Hall to pick up the Palmer Trinity application.

Sent via BlackBerry by AT&T

From: "Efren Nunez" <enunez@palmettobay-fl.gov>
Date: Mon, 26 Apr 2010 17:52:30 -0400
To: Ahmed, Zafar (MDPR) <ZNA@miamidade.gov>
Subject: RE: Miami-Dade County Public Records request - Palmer Trinity Application - vpb 07-012

We have your request ready for pick-up...

From: Ahmed, Zafar (MDPR) [mailto:ZNA@miamidade.gov]
Sent: Friday, April 23, 2010 4:28 PM
To: Efren Nunez
Subject: Palmer Trinity Application - vpb 07-012

As discussed, Miami-Dade Park and Recreation Department would like a copy of the revised application by Palmer Trinity School. Please also provide me with a copy of previous request from Miami-Dade Park and Recreation as well a copy of our previous input, that you may have in your record. Once you advise me of the availability of my request, I will pick up the documents from your office. Thanks.

Zafar Ahmed

GIS Database Asset Manager and
Park Planner 3
305-755-7997
Miami Dade Park and Recreation Department
Planning and Research Division
" *Delivering Excellence Every Day* "

1 RESOLUTION NO. _____
2

3 ZONING APPLICATION VPB 07-012-B
4

5 A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE
6 VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING;
7 **APPROVING/DENYING** THE APPLICATION OF PALMER TRINITY
8 PRIVATE SCHOOL, LOCATED AT 7900 SW 176TH STREET THROUGH
9 8001 SW 184TH STREET; **APPROVING/DENYING** THE SPECIAL
10 EXEPTION REQUEST TO EXPAND THE SCHOOL TO INCUDE AN
11 ADDITIONAL 32.2 ACRES, AND AN ADDITIONAL 550 STUDENTS AS
12 PROVIDED FOR UNDER 33-151, ET SEQ., OF THE COUNTY CODE;
13 AND PURSUANT TO SECTION 33-311 OF THE MIAMI-DADE COUNTY
14 CODE FOR A SITE PLAN MODIFICATION ON PROPERTY ZONED E-M,
15 LOCATED IN PALMETTO BAY, FLORIDA; PROVIDING AN EFFECTIVE
16 DATE.
17

18
19 WHEREAS, in 2006 the applicant made an application for (1) a rezoning of 8001
20 SW 184th Street from AG and E-2 to E-M; (2) a special exception to expand the existing
21 private school located at 7900 SW 176th Street with 600 students, onto the adjacent
22 property known as 8001 SW 184th Street with 32.2 acres, and 1400 students; (3) a site
23 plan modification of the approved 1999 plan for 700 SW 176th Street to include the
24 elements under request (2); (4) a non-use variance of height limitations on the
25 gymnasium performing arts center and chapel to allow structures over 56 feet, where 35
26 feet is permitted; (5) a non-use variance to allow three stories for an administrative
27 building, where two stories is permitted; and (6) a non-use variance to allow parking on
28 natural terrain. This application is described in the Village's Department of Planning
29 and Zoning Recommendation from 2008, as issued by Ms. Arleen Weintraub, the then
30 Planning & Zoning Director, to the Village of Palmetto Bay, which is attached to this
31 resolution; and,
32

33 WHEREAS, hearings were held on February 25, 2008, and April 14, 2008, at
34 which time the Applicant's rezoning request was denied, and the remainder of their
35 requests were not ruled upon; and,
36

37 WHEREAS, the district boundary change, rezoning item was ruled upon by the
38 Third District Court of Appeal on March 24, 2010, finding reversible error, and,
39

40 WHEREAS, the district boundary request was heard and ruled upon separately
41 by the Mayor and Village Council on April 29, 2010 and May 4, 2010, and as a result the
42 property known as 8001 SW 184th Street was rezoned from AG and E-2 to E-M; and,
43

1 WHEREAS, as the remainder of the Applicant's requests were never ruled upon,
2 the Mayor and Village Council, after public hearing must rule upon the 2006 application,
3 as modified; and,
4

5 WHEREAS, the applicant's plans have been modified prior to hearing and a
6 substituted plan dated April 19, 2010 is to be reviewed by the Village Council; and,
7

8 WHEREAS, the modified plan provides for (1) a special exception to expand onto
9 8001 SW 184th Street with an increase in student population of 1150 (reduced from the
10 original 1400 request); and a site plan modification to include the foregoing; and,
11

12 WHEREAS, all variance requests have been withdrawn; and,
13

14 WHEREAS, the Village Council of the Village of Palmetto Bay conducted a
15 quasi-judicial hearing on the application at Christ Fellowship Church on May 4, 2010;
16 and,
17

18 WHEREAS, the Mayor and Village Council find, based on substantial competent
19 evidence in the record, that the application pursuant to section 33-151, et seq, and 33-
20 311, of the Miami-Dade County Code, as adopted by the Village relating to the above
21 requests, find that the application is /is not consistent with the Village's Comprehensive
22 Plan and the applicable land development regulations; and,
23

24 WHEREAS, based on the foregoing finding, the Mayor and Village Council
25 determined to grant/deny the application, as provided in this resolution.
26

27 NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE
28 COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:
29

30 Section 1. A hearing on the present application was held on May 4, 2010 in
31 accordance with the Village's "Quasi-judicial hearing procedures" Ordinance, found at 2-
32 105, of the Village's Code of Ordinances. Pursuant to the hearing, the Mayor and
33 Village Council make the following findings of fact, and conclusions of law.
34

35 Section 2. Findings of fact.

36 The subject property is located at 7900 SW 176TH Street and 8001 SW 184th Street,
37 Palmetto Bay, Florida.
38

39 The applicant is seeking a special exception for the expansion of a private school to
40 increase the enrollment from 600 to 1,150 students. The original plan from the 2008
41 hearings proposed 1,400 students on 55 acres (from 22.5 acres). The expansion plan
42 proposes one of two alternatives – (1) an expansion of students to include grammar
43 school children - kindergarten through grade 5 and increase the enrollment of students

1 in grades 6 through 12; or, alternatively (2) solely an increase in middle school and high
2 school students (grades 6-12). In the proposed revised site plan, dated April 19, 2010,
3 the Applicant removed the daycare, and preschool components. In either proposal, the
4 total number of students has been voluntarily reduced by the Applicant from 1,400,
5 which that was presented in the 2008 application to a total of 1,150 students.
6

7 Additionally, the Applicant is seeking a site plan modification. The Applicant has
8 submitted a master plan, which has been revised since its original submittal¹. The final
9 site plan to be reviewed is dated April 19, 2010 and provides for the future use of the
10 entire 55 acre site as a private school and includes its long-range plan for the school's
11 expansion. Accordingly, the Applicant is requesting a modification of a previously
12 approved site plan, via resolution C-ZAB-132-99, to reflect the vision for the school.
13 See analysis from 2008 hearings as to original site plan details.
14

15 Review of the special exception and site plan modification is based upon the
16 assumption that the district boundary change request (rezoning) of the site 8001 SW
17 184th Street from AG and E-2 zoning to E-M is approved. Denial of the rezoning would
18 preclude review of the requests contained herein.
19

20 The 2008 application contained a request for a non-use variance of parking
21 requirements to permit parking on natural terrain, where not permitted. This request
22 has been eliminated from the modified site plan dated April 19, 2010. [See analysis
23 from the 2008 hearings as to the original details of the variance request]. This request
24 has been withdrawn.
25

26 The original 2008 application contained variance requests for height and number of
27 stories to allow a maximum height of 50'-7" for certain proposed new buildings to
28 include a chapel, a performing arts center, a library/media center/administration building
29 and a gymnasium where 35 ft. is permitted, as well as to allow three (3) stories where
30 two (2) is permitted for the library/media center/administration multi-purpose building.
31 These requests have been eliminated from the April 19, 2010 plan. [See analysis from
32 the 2008 hearings as to the original details of the height and story variances request.]
33 These requests have been withdrawn.
34

35 The 2008 plan included a steeple up to 70 feet in height. No variance was required for
36 the steeple, as it would have been permitted as of right. The Applicant has voluntarily
37 withdrawn its request for a steeple/church tower and the request is considered
38 withdrawn and denied.
39

40 The Applicant's property is comprised of a 55-acre parcel of land, that was previously
41 zoned under three (3) different zoning classifications (AG, E-2, and E-M), and is

¹ Applicant filed its application in 2006. The 2006 plan had been modified prior to the February and April 2008 quasi-judicial hearings ("original plan"). The final plan being reviewed is dated April 19, 2010.

1 surrounded by the Estate-Modified Single-Family zoning district. Prior to hearing the
2 application for special exception and site plan modification, the Applicant requested that
3 the 32.22 acres property bearing address 8001 SW 184th Street be rezoned from AG
4 and E-2 to E-M.
5

6 The Town of Cutler Bay is located to the south. The 8001 SW 184th Street property
7 adjoins the northern parcel zoned E-M, also owned by the Applicant that bears the
8 address 7900 SW 176th Street. Except for the Applicant's private school to the north,
9 and Bill Sadowski Park bordering the northeastern portion of the Applicant's property,
10 the surrounding neighborhood is characterized predominantly by detached single-family
11 homes. Canals are located to the west (between SW 84th Avenue and SW 83rd Court)
12 and north (between SW 173 Terrace and SW 175th Street). To the east of the property
13 is Old Cutler Road. To the south of the property is SW 184th Street (Eureka Drive). The
14 canals and roadways serve as immediate natural borders for the residential
15 neighborhood surrounding the Applicant's subject property and school. The lots
16 immediately to the east and west along the southern edge of the subject property on
17 S.W. 184th Street are zoned E-1, Single-Family and are comprised of single-family
18 homes. To the east and along Old Cutler Road there is a church, a pre-school and
19 kindergarten, Village Library, VMU (Village Mixed-Use) District, and both E-1 and E-M
20 Zoning Districts.
21

22 Planning and zoning staff have found the scale, utilization, location of buildings, height
23 of buildings, landscaping, open space, buffering, are acceptable. Staff recommends
24 conditions as to certain elements including as it relates to compatibility, access, parking
25 circulation/layout and visibility/visual layout. Signage shall be as provided under the
26 Count Code, Section 33-100. The Applicant shall be required to comply with the Art in
27 Public Places requirements of the Village.
28

29 DERM has no objections, subject to conditions stated in their report. Miami-Dade
30 Public Works Department raised issues and stated their objections in their report and
31 those objections have been addressed by Applicant. The Village's Traffic Consultant,
32 The Corradino Group has issued recommendations and those recommendations are
33 incorporated by reference herein. The Miami-Dade County Parks & Recreation
34 department issued objections relating to the Bill Sadowski Park and those comments
35 are incorporated by reference. Fire Rescue's report is incorporated by reference. The
36 Village Police Department has no objections.
37

38 In 2008, the site was found to have code violations and corrective action was
39 undertaken by Applicant. The sole item remaining to come into compliance is the
40 removal of the two (2) portable classrooms that were to be removed according to the
41 year 2000 substantial compliance review. The portables were not removed. In 2008-9,
42 Applicant sought a second substantial compliance review, which proposed a timetable
43 for bring the portables into compliance by constructing one of the structures from the
44 1999 plan and then eliminating the portables. Thereafter, Applicant sought a

1 construction permit in 2009 to begin construction on the 1999 approved structure.
2 However, the permit was not processed due to the Village's one (1) year construction
3 moratorium implemented in order to enact the Village's Land Development Code.
4

5 The Miami-Dade County Archeological and Historical Department has requested a
6 survey during phase 1, as archeological artifacts have been discovered in the Bill
7 Sadowski Park.
8

9 The Planning and Zoning Staff Analysis Report is incorporated by reference herein, as
10 part of the factual record for the Village Council's decision.
11

12 Section 3. Conclusions of law.

13 1. The Application is/is not in compliance with the adopted 2005 Village of
14 Palmetto Bay Comprehensive Plan, and Future Land Use Map. The Planning and
15 Zoning Staff Analysis/Report, including all references to the Comprehensive Plan are
16 incorporated by reference.
17

18 2. The standard of review for a special exception is found at 33-151, et seq.,
19 of the Miami-Dade County Code. That the Applicant's request for a special exception to
20 expand onto 8001 SW 184th Street and to increase the number of students from 600 to
21 1150 is/is not in compliance with the applicable standards.
22

23 3. The standard of review for a site plan modification is found at section 33-
24 311(A)(7), of the Miami-Dade County Code. That the Applicant's request for site plan
25 modification is/is not in compliance with the applicable standards
26

27 4. That the parcel known as 8001 SW 184th Street is zoned E-M.
28
29

30 Section 4. Order.
31

32 That the Applicant's requests for a special exception and site plan modification
33 for school use, expansion, and number of students is/is not approved as to the plans
34 entitled Palmer Trinity Private School Campus Master Plan as prepared by Duany
35 Plater-Zyberk & Co., consisting of 36 sheets, dated stamped received November 1,
36 2007, as revised by the plans entitled Palmer Trinity Private School Campus Master
37 Plan as prepared by Duany Plater-Zyberk & Co., consisting of 48 sheets, dated
38 stamped received April 19, 2010.
39

40 The Village Council conditions the site approval as follows: (applicable/not
41 applicable): (If applicable, Council to provide conditions from Planning
42 recommendations and/or from public hearing process)

1
2
3 This is a final order.
4

5 Section 5. Record.

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

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

14 PASSED and ADOPTED this [] day of May, 2010.

15
16 Attest:

17 _____
18 Meighan Rader
19 Village Clerk

_____ Eugene P. Flinn, Jr.
Mayor

20
21 APPROVED AS TO FORM:
22
23

24 _____
25 Eve A. Boutsis,
26 Village Attorney

27
28 FINAL VOTE AT ADOPTION:
29

30 Council Member Ed Feller _____

31 Council Member Howard Tendrich _____

32 Council Member Shelley Stanczyk _____

33
34 Vice-Mayor Brian Pariser _____

35
36 Mayor Eugene P. Flinn, Jr. _____
37
38