

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46

**RESOLUTION NO 2011-53**

**ZONING APPLICATION VPB 07-012-B**

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; ON REMAND FROM THE 11<sup>TH</sup> JUDICIAL CIRCUIT AFTER THE ISSUANCE OF THE MANDATE FROM THE CIRCUIT COURT'S ORDER OF FEBRUARY 11, 2011, IN THAT ACTION ENTITLED PALMER TRINITY V. VILLAGE OF PALMETTO BAY UNDER APPELLATE CASE NO: 10-259 AP; AMENDING RESOLUTION 2010-48, RELATING TO THE SPECIAL EXCEPTION AND A SITE PLAN MODIFICATION ON PROPERTY ZONED E-M; LOCATED IN PALMETTO BAY, FLORIDA; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, The Florida 11th Judicial Circuit, Appellate Panel, on February 11, 2011, granted the certiorari petitioner filed by Palmer Trinity Private School. The Panel quashed the two conditions in the Village's May 4, 2010 zoning resolution. The Court found:

That Condition 4.4 "which contained the 30 year prohibition" "operates as an out right ban on Palmer Trinity's ability to even ask for additional development approvals. Accordingly, the Court holds that the provision in Condition 4.4 of the Resolution, which not only prohibits development, but even applications for development, for the next 30 years constitutes a departure from the essential requirements of law and should be quashed."

As to the second condition, related to the number of students, 900, the Court found that the "900 Student Cap on Enrollment" should be quashed, as there was "no competent substantial basis for the 900 student cap on enrollment. Accordingly, this Court holds that the 900 student cap is not supported by competent substantial evidence."

**WHEREAS**, the Court, on March 3, 2011 issued the mandate commanding the Village to hold "such further proceedings in accordance with the opinion of this Court [per the February 22, 2011 order]"; and,

**WHEREAS**, on April 12, 2011, Palmer Trinity filed its motion to enforce the Court's mandate, as to the two quashed conditions of the May 4, 2010 resolution; and,

**WHEREAS**, on May 6, 2011, the Court granted Palmer Trinity's motion to enforce mandate, without opinion; and,

**WHEREAS**, subsequently, the Village filed a motion for clarification as to the order enforcing mandate, asking for direction as to the Appellate Panel's direction to hold "further proceedings;" and,

1           **WHEREAS**, On June 3, 2011, the Appellate panel responded to the Village's motion for  
2 clarification stating:  
3

4           "[T]he Court finds that the original opinion in this matter issued February 11, 2011 is  
5 clear and unambiguous. The Village of Palmetto Bay shall forthwith commence the  
6 required proceedings to remove the two quashed conditions from the Resolution or  
7 otherwise render those conditions ineffectual and take no further action that would  
8 be inconsistent with the Court's prior Order of May 5, 2011 and this Order."  
9

10 and  
11

12           **WHEREAS**, based upon the foregoing direction of the Appellate Panel solely the two  
13 conditions appealed and quashed are to be reviewed by the Village Council. The Appellate Court  
14 quashed the Village's two conditions: (1) the 30 year development covenant prohibition and (2) the  
15 900 cap on the number of students; and;  
16

17           **WHEREAS**, on July 12, 2011, Applicant filed a "Renewed, Emergency Motion To Enforce  
18 Mandate, or Alternatively, To Enjoin And Prohibit Respondent from Violating the Express  
19 Mandate of the Court;" and,  
20

21           **WHEREAS**, on July 15th, the Village filed its opposition to Applicant's "Emergency"  
22 motion; and;  
23

24           **WHEREAS**, the Appellate Panel, on July 18, 2011, the Appellate Panel denied Applicant's  
25 "Emergency" motion, in its entirety, without opinion; and,  
26

27           **WHEREAS**, the Village properly noticed, and adhered to its procedural requirements for  
28 public hearings, and held the public hearing on July 19, 2011, at Christ Fellowship Church, on the  
29 issued of the remanded special exception application, relating to the two appealed items so that the  
30 Village Council could take action on the amendment of Resolution VPB 2010-48; and,  
31

32           **WHEREAS**, the Village Attorney provided direction to the Council and delineated the  
33 zoning and appellate litigation history of the application; and;  
34

35           **WHEREAS**, the Village's Planning Director presented the staff report that recommended  
36 the Village Council remove the conditions as to the 30 year development covenant and the 900  
37 student enrollment cap; and,  
38

39           **WHEREAS**, counsel for Applicant and counsel for CCOCI, Betty Pegram and Stanley  
40 Kaplan made argument during the hearing of July 19th, 2011; and,  
41

42           **WHEREAS**, the Village Council did not take additional evidence; and  
43

1  
2       **WHEREAS**, Mr. Price and Mr. Gibbs both agreed to not present additional evidence; and,  
3

4       **WHEREAS**, Mr. Price specifically, on the record, waived any objection as to the disclosures  
5 made by Ms. Lindsay during the July 19, 2011 hearing; and,  
6

7       **WHEREAS**, the public hearing was opened and one resident spoke; and,  
8

9       **WHEREAS**, the Council voted consistent with the Court ruling.  
10

11       **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE**  
12 **COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**  
13

14       **Section 1.**     Resolution 2010-48 is hereby attached and incorporated into this Resolution  
15 and is so amended, striking those portions which refer to the thirty year development covenant that  
16 prohibits the applicant from requesting any future site plan modifications and/or special exceptions  
17 for the properties identified as 7900 SW 176 Street and 8100 SW 184 Street, and all language  
18 approving or referencing a student enrollment of 900.  
19

20     Council Person Lindsay made a motion to amend resolution 2010-48 per the 11<sup>th</sup> Judicial Circuit  
21 Court's order, which quashed the conditions imposing a 30-year prohibition on any future  
22 development and establishing a 900 student cap on enrollment, and to delete all references to those  
23 quashed conditions in resolution 2010-48 and take no further action. Seconded by Vice Mayor  
24 Pariser. Motion carried on roll call – 5 to 0.  
25

26       **Section 2.**     This is a final order to amend Resolution 2010-48 only as provided under  
27 Section 1 herein. All other terms and conditions, findings of fact, conclusions of law from  
28 Resolution 2010-48, and all other conditions of that resolution remain in full force and effect.  
29

30       **Section 3.**     Record.

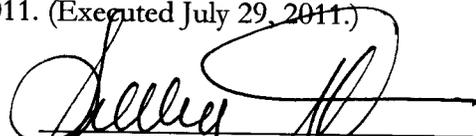
31     The record shall consist of the notice of hearing, the applications, documents submitted by  
32 the applicant and the applicant's representatives to the Village of Palmetto Bay Department of  
33 Planning and Zoning in connection with the applications, the Village recommendation and attached  
34 cover sheet and documents, the testimony of sworn witnesses and documents presented at the  
35 quasi-judicial hearing, and the tape and minutes of the hearing. The record shall be maintained by  
36 the Village Clerk.  
37

38       **Section 4.**     This resolution shall take effect immediately upon approval.

39     PASSED and ADOPTED this 19th day of July, 2011. (Executed July 29, 2011.)

40  
41     Attest:

42       
43     Meighan Alexander  
Village Clerk

44       
45     Shelley Stanczyk  
Mayor

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Eve A. Boutsis  
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore	<u>YES</u>
Council Member Howard Tendrich	<u>YES</u>
Council Member Joan Lindsay	<u>YES</u>
Vice-Mayor Brian W. Pariser	<u>YES</u>
Mayor Shelley Stanczyk	<u>YES</u>

1 RESOLUTION NO. 2010-48 (AMENDED 07/19/2011)

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** WITH CONDITIONS THE APPLICATION OF PALMER  
8 TRINITY PRIVATE SCHOOL, LOCATED AT 7900 SW 176<sup>TH</sup> STREET  
9 THROUGH 8001 SW 184<sup>TH</sup> STREET; **APPROVING WITH CONDITIONS**  
10 THE SPECIAL EXEPTION REQUEST TO EXPAND THE SCHOOL TO  
11 INCUDE AN ADDITIONAL 32.2 ACRES, AND AN ~~ADDITIONAL 300~~  
12 ~~STUDENTS~~ **REQUEST TO INCREASE ENROLLMENT BY 550**  
13 **STUDENTS DENIED** AS PROVIDED FOR UNDER 33-151, ET SEQ., OF  
14 THE COUNTY CODE; AND PURSUANT TO SECTION 33-311 OF THE  
15 MIAMI-DADE COUNTY CODE FOR A SITE PLAN MODIFICATION ON  
16 PROPERTY ZONED E-M, LOCATED IN PALMETTO BAY, FLORIDA;  
17 PROVIDING AN EFFECTIVE DATE.  
18  
19

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

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

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

39 WHEREAS, the district boundary request was heard and ruled upon separately by the  
40 Mayor and Village Council on April 29, 2010 and May 4, 2010. Ordinance 2010-09 was  
41 adopted, rezoning the property known as 8001 SW 184<sup>th</sup> Street from AG and E-2 to E-M; and,  
42

43 WHEREAS, concerning the remainder of the applicant's requests, the applicant's plans  
44 have been modified prior to hearing and a substituted plan dated April 19, 2010 is to be reviewed  
45 by the Village Council. Public hearing was held on May 4, 2010; and,

1  
2 WHEREAS, the modified plan provided for (1) a special exception to expand onto 8001  
3 SW 184<sup>th</sup> Street with an increase in student population of 1150 (reduced from the original 1400  
4 request); and a site plan modification; and,  
5

6 WHEREAS, all variance requests have been withdrawn; and,  
7

8 WHEREAS, the Village Council of the Village of Palmetto Bay conducted a quasi-  
9 judicial hearing on the application at Christ Fellowship Church on May 4, 2010; and,  
10

11 WHEREAS, the Mayor and Village Council find, based upon substantial competent  
12 evidence in the record, that the application pursuant to section 33-151, et seq, and 33-311, of the  
13 Miami-Dade County Code, as adopted by the Village relating to the above requests, and as  
14 amended by Council Action, is consistent with the Village's Comprehensive Plan and the  
15 applicable land development regulations; and,  
16  
17

18 ~~WHEREAS, based on the foregoing finding, the Mayor and Village Council determined~~  
19 ~~to grant the application, as amended (modified/conditioned) by Council Action, and reduced the~~  
20 ~~student population to 900 students, as provided in this resolution.~~  
21

22 NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE  
23 COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:  
24

25 Section 1. A hearing on the present application was held on May 4, 2010 in  
26 accordance with the Village's "Quasi-judicial hearing procedures" Ordinance, found at 2-105, of  
27 the Village's Code of Ordinances. Pursuant to the hearing, the Mayor and Village Council make  
28 the following findings of fact, and conclusions of law.  
29

30 Section 2. Findings of fact.

31 The subject property is located at 7900 SW 176<sup>TH</sup> Street and 8001 SW 184<sup>th</sup> Street, Palmetto  
32 Bay, Florida.  
33

34 In 1999, the Applicant sought a site plan modification for 7900 SW 184<sup>76</sup><sup>th</sup> Street. During that  
35 hearing, a transcript was made. During the May 4, 2010 hearing, Applicant's Counsel asserted  
36 that the 1999 transcript is part of the record for the May 4, 2010 hearing. He advised that  
37 Applicant read the transcript and that there were no commitments made at a public hearing to  
38 limit the school to 600 students. During the May 4, 2010 hearing, the Vice Mayor read from the  
39 1999 transcript as follows:  
40

41 Page 38, line 10 – 1999 hearing Transcript:  
42

1 Mr. O'Donnell (then counsel for Applicant): And our 600 student body is  
2 something that may or may not be achieved, but that is the maximum, depending  
3 on the year and depending on who accepts it and that sort of thing.  
4

5 Page 57, line 14 – 1999 hearing Transcript:  
6

7 Mr. O'Donnell: I really would like to say, our contributions, if you look at the  
8 right-of-way, the hundreds of thousands of dollars that we have spent on the right-  
9 of-way along 176 Street on the landscaping of that road, you have to come to our  
10 campus to understand that we are committed to our mission. And we are not  
11 attempting to achieve any more development than the 600 students, at the  
12 maximum that we have now, on this campus. That is our mission. We have spent  
13 two years developing that mission. We have no intention of altering that mission.  
14  
15

16 In 2006, the applicant filed an application for a special exception for the expansion of a private  
17 school to increase the enrollment from 600 to 1,150 students. The "original" plan from the 2008  
18 hearings was based upon the 2006 application. The 2008 plan proposed 1,400 students on 55  
19 acres (from 22.5 acres). The expansion plan proposed one of two alternatives – either (1) an  
20 expansion of students to include grammar school children - kindergarten through grade 5 and  
21 increase the enrollment of students in grades 6 through 12; or, (2) solely an increase in middle  
22 school and high school students (grades 6-12). The April 19, 2010, plan reflected removal of the  
23 daycare and preschool components. In either proposal, the total number of students has been  
24 voluntarily reduced by the Applicant from 1,400, which had been presented in the 2008  
25 application, to a total of 1,150 students.  
26

27 Additionally, the Applicant sought a site plan modification. The Applicant submitted a master  
28 plan, which has been revised since its original submittal<sup>1</sup>. The final site plan reviewed by  
29 Council was dated April 19, 2010, and provided for the future use of the entire 55 acre site as a  
30 private school and includes its long-range plan for the school's expansion. Accordingly, the  
31 Applicant requested a modification of a previously approved site plan, via resolution C-ZAB-  
32 132-99, to reflect their vision for the school.  
33

34 The 2008 application contained a request for a non-use variance of parking requirements to  
35 permit parking on natural terrain, where not permitted. This request was eliminated and  
36 withdrawn from the modified site plan dated April 19, 2010.  
37

38 The original 2008 application contained variance requests for height and number of stories to  
39 allow a maximum height of 50'-7" for certain proposed new buildings to include a chapel, a  
40 performing arts center, a library/media center/administration building and a gymnasium where  
41 35 ft. is permitted, as well as to allow three (3) stories where two (2) is permitted for the

---

<sup>1</sup> 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 is dated April 19, 2010.

1 library/media center/administration multi-purpose building. These requests were eliminated and  
2 withdrawn from the April 19, 2010 plan.  
3

4 The 2008 plan included a steeple up to 70 feet in height. No variance was required for the  
5 steeple, as it would have been permitted as of right. The Applicant voluntarily withdrew its  
6 request for a steeple/church tower.  
7

8 The initial hearings were held on February 25, 2008, and April 14, 2008, at which time the  
9 Applicant's rezoning request was denied, and the remainder of their requests were not ruled  
10 upon. The Circuit Court, upon the first tiered appeal via a petition for certiorari ruled, without  
11 opinion, that the Village's actions were proper. Thereafter, the district boundary change,  
12 rezoning item was ruled upon, during a second tiered appeal, by the Third District Court of  
13 Appeal on March 24, 2010, finding reversible error. Based upon the foregoing ruling, the district  
14 boundary request was heard and ruled upon separately by the Mayor and Village Council on  
15 April 29, 2010 and May 4, 2010. Ordinance 2010-09 was adopted, rezoning the property known  
16 as 8001 SW 184<sup>th</sup> Street from AG and E-2 to E-M.  
17

18 The Applicant's property is comprised of a 55-acre parcel of land, that was previously zoned  
19 under three (3) different zoning classifications (AG, E-2, and E-M), and is surrounded by the  
20 Estate-Modified Single-Family zoning district. Prior to hearing the application for special  
21 exception and site plan modification, the Applicant requested that the 32.22 acres property  
22 bearing address 8001 SW 184<sup>th</sup> Street be rezoned from AG and E-2 to E-M. On May 4, 2010,  
23 prior to ruling on the Applicant's requests under PH-VPB 07-012-B, the Village Council rezoned  
24 8001 SW 184<sup>th</sup> Street to E-M.  
25

26 The Town of Cutler Bay is located to the south. The 8001 SW 184<sup>th</sup> Street property adjoins the  
27 northern parcel zoned E-M, also owned by the Applicant that bears the address 7900 SW 176<sup>th</sup>  
28 Street. Except for the Applicant's private school to the north, and Bill Sadowski Park bordering  
29 the northeastern portion of the Applicant's property, the surrounding neighborhood is  
30 characterized predominantly by detached single-family homes. Canals are located to the west  
31 (between SW 84<sup>th</sup> Avenue and SW 83<sup>rd</sup> Court) and north (between SW 173 Terrace and SW  
32 175<sup>th</sup> Street). To the east of the property is Old Cutler Road. To the south of the property is SW  
33 184<sup>th</sup> Street (Eureka Drive). The canals and roadways serve as immediate natural borders for the  
34 residential neighborhood surrounding the Applicant's subject property and school. The lots  
35 immediately to the east and west along the southern edge of the subject property on S.W. 184<sup>th</sup>  
36 Street are zoned E-1, Single-Family and are comprised of single-family homes. To the east and  
37 along Old Cutler Road there is a church, a pre-school and kindergarten, Village Library, VMU  
38 (Village Mixed-Use) District, and both E-1 and E-M Zoning Districts.  
39

40 Planning and Zoning staff found the scale, utilization, location of buildings, height of buildings,  
41 landscaping, open space, and buffering, are acceptable. Staff recommended conditions as to  
42 certain elements, including as it relates to compatibility, access, parking circulation/layout, and  
43 visibility/visual layout. Signage is governed under the County Code, Section 33-100.  
44

1 DERM had no objections, subject to conditions stated in their report. Miami-Dade Public Works  
2 Department raised issues and stated their objections in their report and those objections have  
3 been addressed by Applicant. The Village's Traffic Consultant, The Corradino Group, has  
4 issued recommendations that are incorporated by reference by staff as conditions to approval of  
5 the application. The Miami-Dade County Parks & Recreation department issued objections  
6 relating to the Bill Sadowski Park and those comments are incorporated by reference. Fire  
7 Rescue's report is also incorporated by reference. The Miami-Dade Police Department (Village  
8 Policing Unit) has no objections.

9  
10 In 2008, the site was found to have code violations and corrective action was undertaken by  
11 Applicant. The sole item remaining to come into compliance is the removal of the two (2)  
12 portable classrooms that were to be removed according to the year 2000 substantial compliance  
13 review. The portables were not removed. In 2008-9, Applicant sought a second substantial  
14 compliance review, which proposed a timetable for bringing the portables into compliance by  
15 constructing one of the structures from the 1999 plan and then eliminating the portables.  
16 Thereafter, Applicant sought a construction permit in 2009 to begin construction on the 1999  
17 approved structure. However, the permit was not processed due to the Village's one (1) year  
18 construction moratorium implemented in order to enact the Village's Land Development Code.

19  
20 The Miami-Dade County Archeological and Historical Department has requested a survey  
21 during phase 1, as archeological artifacts have been discovered in the Bill Sadowski Park.

22  
23 The Planning and Zoning Staff Analysis Report is incorporated by reference herein, as part of the  
24 factual record for the Village Council's decision as Exhibit A to this resolution.

25  
26 The Council heard testimony from Mr. Julian Perez, the Village's Planning & Zoning Director;  
27 Mr. Joe Corradino, of Corradino Consulting Group, the Village's traffic consultant; Mark  
28 Alvarez, a planner representing a citizens group, Concerned Citizens of Old Cutler Inc.  
29 (CCOCI); Jack Luft, a planner representing applicant; Mr. Timothy Plummer, of David Plummer  
30 & Associates, Inc. a Traffic Engineer/Consultant for Applicant; and, Mr. Don Washburn, of  
31 Audio Bug, Inc., an audio expert for Applicant.

32  
33 Prior to Council deliberation and action Counsel for Applicant advised that it accepted all  
34 conditions of staff minus: 4.3, 4.4, 4.14, and 7.3. As to conditions 4.1 and 4.4 Counsel agreed to  
35 no increase in student population above 1150 for 30 years but requested the right to increase  
36 structures, lot coverage or intensity of uses. Applicant's counsel agreed to Phase 1 construction  
37 to include improvements to SW 184<sup>th</sup> Street. Mr. Price argued that the berm requirement and  
38 contiguous use of the walking and maintenance paths, found at condition 7.3 was inconsistent  
39 with the landscape plans proposed and inappropriate. He also requested that condition 8.9 of  
40 staff's recommendations relating to the use of the SW 176<sup>th</sup> Street entrance be modified so that  
41 the entrance could remain open after proposed hours for four events per school year.

42  
43 The Council held a public hearing and many residents and community members spoke both in  
44 favor and in opposition to the application. The Council heard testimony relating to traffic, noise,  
45 number of students, field usage and affects of that usage, environmental concerns, and other

1 topics. The Council incorporates by reference the minutes, audio tape, and transcript (if  
2 transcribed) into its findings of fact.  
3

4 Section 3. Conclusions of law.

5 1. The Application is in compliance with the adopted 2005 Village of Palmetto Bay  
6 Comprehensive Plan and Future Land Use Map.  
7

8 2. ~~————~~The standard of review for a special exception is found at 33-151, et seq., of the  
9 Miami-Dade County Code. The Applicant's request for a special exception to expand onto 8001  
10 SW 184<sup>th</sup> Street and to increase the number of students from 600 to 1150 is not in compliance  
11 with the applicable standards. ~~However, the Applicant's request for a special exception to~~  
12 ~~expand onto 8001 SW 184<sup>th</sup> Street from 7900 SW 176<sup>th</sup> Street, and to increase the number of~~  
13 ~~students from 600 to 900 is in compliance with the applicable standards. The Village Council~~  
14 ~~found the appropriate number of students for expansion to be 900, and provided the conditions~~  
15 ~~delineated below to also be implemented.~~  
16  
17

18 3. The standard of review for a site plan modification is found at section 33-311(A)(7), of  
19 the Miami-Dade County Code. The Applicant's request for site plan modification is in  
20 compliance with the applicable standards, as amended below.  
21

22 Section 4. Order.

23  
24 A. The Council, pursuant to Section 33-311(A)(7), and 33-151, et seq., of the Miami-  
25 Dade County Code as applied by the Village, approves with conditions and modifications the  
26 Applicant's requests for a special exception and site plan modification for school use and ;  
27 ~~expansion, and number of students~~ as to the plans entitled Palmer Trinity Private School Campus  
28 Master Plan as prepared by Duany Plater-Zyberk & Co., consisting of 36 sheets, dated stamped  
29 received November 1, 2007, as revised by the plans entitled Palmer Trinity Private School  
30 Campus Master Plan as prepared by Duany Plater-Zyberk & Co., consisting of 48 sheets, dated  
31 stamped received April 19, 2010. The April 19, 2010 plans are incorporated by reference as  
32 Exhibit B to this resolution [formerly Exhibit 1 to the 5-4-2010 hearing item PH -VPB- 07-  
33 012B].  
34

35 B. The Village Council conditions/modifies the site approval/special exception as  
36 follows:  
37

38 1. All variance requests from the 2008 plans are specifically recognized as  
39 withdrawn. This includes all height, story and natural terrain parking variances. The 2008 plan  
40 included a steeple up to 70 feet in height. No variance was needed for the steeple; it would have  
41 been permitted, as of right. The Applicant has voluntarily withdrawn its request for a  
42 steeple/church tower and said request is considered withdrawn.  
43

1           2.     The special exception to expand the non-public school use onto 8001 SW 184<sup>th</sup>  
2 Street is approved with conditions.

3  
4           3.     The request to increase the non-public school number of students to 1150 is  
5 ~~denied. A condition to allow expansion to 900 students is granted.~~

6  
7           4.     Preliminary Conditions:

8  
9           4.1    The Applicant shall execute a unity of title document to be recorded in the public  
10 records of Miami-Dade County, which unity of title shall covenant (or provide a covenant in lieu  
11 of unity of title) the property holder(s) to join the parcels together [7900 SW 176<sup>th</sup> Street and  
12 8001 SW 184<sup>th</sup> Street] as one parcel, in a form approved by the Village Attorney, consistent with  
13 the requirements of the Village's Land Development Code<sup>2</sup>. The covenant shall be in final form  
14 for recording within 45 days of final approval. No permits shall issue until the covenant/unity of  
15 title is recorded.

16  
17           4.2    The Applicant shall record an acceptable and approved restrictive covenant  
18 running with the land for specific conditions, which covenant shall exist for 30 years, and  
19 automatically renew for 10 year periods, thereafter.

20  
21           4.3    Any substantial modification [pursuant to 30-30.3(c) of the Village's Code of  
22 Ordinances] or abandonment of the attached site plan shall require public hearing. The term  
23 "substantial modification" for the purposes of this approval shall mean a modification or  
24 substitute site plan of equal or lesser intensity, including floor area ratio, lot coverage, square  
25 footage, and height; and provide equal or greater setbacks, buffering, landscaping, and amenities.  
26 In no way shall student enrollment be expanded due to a substantial modification review.

27  
28           4.4    ~~Reserved. Cap of Intensity of Uses and Student Population. Applicant shall limit~~  
29 ~~future development and agrees that it shall not seek any further development approvals to~~  
30 ~~increase the intensity of uses, to increase lot coverage, square footage, heights of structures, or~~  
31 ~~exceed 900 students for 30 years following the recording of this covenant. Specifically, no~~  
32 ~~buildings shall exceed two (2) stories or a roof elevation of 35 feet in height measured from~~  
33 ~~finished floor.~~

34  
35           4.5    Student Enrollment Defined and Reporting. ~~Applicant shall not exceed 900~~  
36 ~~students in enrollment.~~ Applicant agrees to submit an executed affidavit from the Headmaster  
37 of the School each year to the Village Manager, within 30 days of the first day of the applicable  
38 school year, identifying the number of students enrolled for the academic school year and  
39 attesting the number of students enrolled in the school. This information shall be provided to the  
40 Village, annually, for as long as a school is located on the site. Applicant agrees and  
41 acknowledges that the "maximum number of students" shall mean the actual number of students

Formatted: Strikethrough

<sup>2</sup> 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 176<sup>th</sup> Street and 8001 SW 184<sup>th</sup> Street shall be utilized in this order.

1 enrolled at the school as reported to the State of Florida and the Florida Council of Independent  
2 Schools and shall not be the daily average attendance, nor exclude any students that may be  
3 traveling/studying abroad. The Applicant shall provide a copy of the FCIS to the Village once it  
4 becomes available. The maximum number of students shall include all student transfers during  
5 the school year. Any increase in students enrolled at the school after the initial annual  
6 enrollment is disclosed shall be reported to the Village within five (5) business days of the event.  
7

8 4.6 Should Applicant violate section 4.5 relating to the number of students enrolled  
9 by exceeding 900, and should Applicant fail to cure the excess enrollment within 30 days of  
10 written notice, such an act shall constitute a false statement or misrepresentation of fact that  
11 would permit the Village to revoke the most recent building permit or certificate of occupancy  
12 issued by the Village.  
13

14 4.7 Reserved. ~~Student expansion shall comply with the timetable provided, attached hereto~~  
15 ~~as Exhibit "C" [formerly Exhibit 7 to the 5-4-2010 hearing item PH-VPB-07-012B] to this~~  
16 ~~resolution, but modify the timetable to reflect the number of students approved herein at Section~~  
17 ~~4.4.~~

18 ~~Instead of having the increase of 300 students by year eight of the Exhibit "C", there~~  
19 ~~would be an increase of 300 students by the earliest of year 15 under Exhibit "C."~~  
20

21 4.9 Community Relations Committee. The Applicant shall create a Community  
22 Relations Committee that will be charged with the responsibility of facilitating future discussions  
23 with neighbors (properties within 2500 foot radius) in an effort to avoid or resolve potential  
24 disputes between the Applicant, the neighbors, and the Village. The Applicant agrees to  
25 cooperate and act in good faith with the Community Relations Committee. The Committee shall  
26 be a voluntary group, with three (3) representatives from the Applicant, and three (3)  
27 representatives from the neighborhood, as selected by the Village Council, and a representative  
28 from the Village Manager's Office. The group shall meet as needed, but not less than twice a  
29 year (once every six (6) months). The Village shall be provided with prior written notice of all  
30 such meetings, if possible at least two weeks in advance of any such meeting(s). The actions of  
31 the group shall not be binding. Rather, the group meetings are intended to be a mechanism for  
32 communication, discussion, and resolution of any items.  
33

34 4.10 The Applicant agrees and affirms that there will be no objection now or in the  
35 future to controlled burns conducted by Miami-Dade County at Bill Sadowski Park for the park's  
36 management. The Village will attempt to coordinate with Miami-Dade County to provide the  
37 Applicant with prior notice of controlled burns. The Applicant further agrees not to interfere,  
38 due to lighting issues, with night program schedules for Bill Sadowski Park.  
39

40 4.11 The Applicant shall comply with all applicable State, County, and Village Codes  
41 and Ordinances, including but not limited to the Village's Art in Public Places Ordinance.  
42

43 4.12 Unpermitted and unconstructed portions of prior development approvals (1999  
44 plans, 2000 and 2010 substantial compliance reviews) shall be considered withdrawn and  
45 abandoned. The Applicant shall comply with condition 5.10 relating to the portables.

1  
2 4.13 An official inspector of the Village, or its agents duly authorized, have the  
3 privilege, at any time during normal working hours, of entering and inspecting the use of the  
4 premises to determine whether or not the requirements of the building and zoning regulations  
5 and the conditions contained herein are being complied with. Village Code Compliance shall  
6 conduct bi-annual inspections, with Applicant, for compliance with the terms and conditions of  
7 this zoning resolution.  
8

9 4.14 Applicant shall comply with the Land Development Regulations for maintaining  
10 the sanitary sewer concurrency levels, during construction and throughout operations.  
11

12 4.15 In compliance with the requirements of Section 33-151.51, of the County Code,  
13 the Applicant shall record a covenant running with the land that ensures compliance with the  
14 minimum footage requirements, calculations and conditions upon which the additional square  
15 footage has been permitted.  
16

17 5. Pre Construction – Construction – Build Out Conditions:  
18

19 5.1 All components of the approved site plan shall be completed according to the  
20 schedule attached hereto, which provides that the approved construction shall not be completed  
21 earlier than 15 years and no later than 25 years from the date of zoning approval. The  
22 Preliminary Construction Schedule for Phase 1 is enclosed as Exhibit D [formerly Exhibit 6 to  
23 the 5-4-2010 hearing item PH –VPB- 07-012B] to this resolution. This recommendation is  
24 consistent with the newly adopted Land Development Code, Section 30-30.2(d)(16) and (k),  
25 relating to requiring a construction plan and timetable.  
26

27 ~~5.2 Staggering of Student population. The increase in student population to 900~~  
28 ~~shall occur incrementally over the entire term of the project.~~

29 ~~5.35.2 Reserved.~~  
30

31 ~~5.45.3 Construction Staging:~~  
32

33 ~~5.4.15.3.1~~ The Applicant shall annually submit a construction staging plan for review  
34 and approval prior to commencement of construction. Phase 1 is enclosed as Exhibit D.  
35 Council approved additional conditions for Phase 1, which are found below.  
36

37 ~~5.4.25.3.2~~ Construction staging shall take place as preapproved by the Village's  
38 Planning & Zoning and Building Directors, on the property known as 8001 SW 184<sup>th</sup>  
39 Street, where possible, toward the center of the property, away from the proposed 75 foot  
40 buffers.  
41

42 ~~5.4.35.3.3~~ Construction trailers for staging area are permitted under the Village's  
43 Code.  
44

45 ~~5.4.45.3.4~~ The staging area may be cleared during Phase 1 of the construction plan.

1  
2 | 5-4-55.3.5 Construction shall comply with the noise controls provided in the  
3 Village's Code of Ordinances, section 30-60.29.

4  
5 | 5-4-65.3.6 The driveway area may also be cleared during Phase 1.

6  
7 | 5-4-75.3.7 Access points by construction vehicles shall be identified as part of the  
8 Construction Plan for Village approval. No construction vehicle shall access through the  
9 neighborhood. Unless necessary for a specific item, no construction vehicles shall access  
10 through SW 176th Street. All other construction vehicles must use the SW 184<sup>th</sup> Street  
11 once that entrance is constructed under the Phase 1 Construction Plan.

12  
13 | 5-55.4 Permitting and Property Clearance. The Applicant shall not remove any trees  
14 outside the 75 ft. buffer, unless a building permit and/or tree removal permit, if required, has  
15 been secured for the construction of the work being requested. At no time shall the entire 8001  
16 SW 184<sup>th</sup> Street site be cleared all at once.

17  
18 | 5-65.5 Construction Air Quality Management Plan. The Applicant shall provide a  
19 Construction Air Quality Management Plan on the construction drawings that, at a minimum,  
20 includes protecting ducts during construction and changing the filters and vacuuming ducts prior  
21 to occupancy. The submitted plans must note compliance with this provision.

22  
23 | 5-75.6 MOT Plan. A construction and Maintenance of Traffic (MOT) Plan shall be  
24 provided to the Building and Public Works Departments for approval.

25  
26 | 5-85.7 The Applicant shall comply with the Village's demolition and construction  
27 fencing ordinance.

28  
29 | 5-95.8 The entrance and roadway onto 8001 SW 184<sup>th</sup> Street may be constructed prior to  
30 any other improvements. However, the required perimeter walls (eastern and western property  
31 lines) and 75 ft. buffers, to be located at 8001 SW 184<sup>th</sup> Street, with required landscaping shall  
32 be installed and/or constructed prior to the commencement of construction of any additional  
33 structures or improvements. The wall shall be constructed, and then the buffer shall be installed,  
34 no later than two (2) years of receiving the final zoning approval. One extension of time, not to  
35 exceed six (6) months, may be granted by the Planning & Zoning Director, upon a showing of  
36 good cause. "Good cause" would include timely request for permits, submitting for inspections  
37 and reviews, diligent efforts to adhere to the construction schedule, and force majeure type  
38 events (weather delays or civil unrest).

39  
40 | 5-105.9 The Applicant shall work with the Village and County to install "Do not  
41 Block Intersection" signs along SW 184<sup>th</sup> Street from SW 82<sup>nd</sup> Avenue to Old Cutler Road.

42  
43 | 5-115.10 The existing portable classrooms trailers located along the western edge of  
44 7900 SW 176<sup>th</sup> Street shall be eliminated as soon as replacement facilities are constructed, and  
45 within 18 months after final zoning approval. One extension of time, not to exceed six (6)

1 months, may be granted by the Planning & Zoning Director, upon a showing of good cause.  
2 “Good cause” would include timely request for permits, submitting for inspections and reviews,  
3 diligent efforts to adhere to the construction schedule, and force majeure type events (weather  
4 delays or civil unrest).  
5

6 5.11 Failure to construct the replacement facilities for the portables described at  
7 section 5.10 within the time period provided therein shall require that the portables be removed  
8 immediately upon the expiration of the 18 month period. One extension of time, not to exceed  
9 six (6) months, may be granted by the Planning & Zoning Director, upon a showing of good  
10 cause. “Good cause” would include timely request for permits, submitting for inspections and  
11 reviews, diligent efforts to adhere to the construction schedule, and force majeure type events  
12 (weather delays or civil unrest). Failure to remove the portables shall also result in the denial of  
13 future permits due to site plan violations in addition to any other remedy provided below under  
14 Section 15, “Enforcement.”  
15

16 5.12 During Phase 1 of construction and within two (2) years of approval, the  
17 Applicant shall install the recommended turning lane contained in condition 8.11(a) [“Old Cutler  
18 road/SW 184<sup>th</sup> Street – Add a southbound right turn lane; signal phasing adjustments”].  
19

20 6. Athletic Fields and Amenities:  
21

22 6.1 The Applicant shall not use the athletic fields for commercial purposes such as  
23 renting, leasing, or allowing third-parties unaffiliated with the operation of the school (no third-  
24 party organizations or groups) to use the recreational facilities. Applicant shall annually provide  
25 proof of existing division-type play, tournaments, organized sports and uses of its facilities to the  
26 Village. Prior to the beginning of each season, for each sport, the Applicant shall provide the  
27 Village with a list of proposed events – tournaments and league play.  
28

29 6.2 The Applicant shall submit a proposed list of school special events planned for  
30 each school year to the Village Manager not later than August 15<sup>th</sup> of the applicable school year  
31 for Village administrative review. Any other/additional special event shall require advanced  
32 notice for review as a special event under the Village’s procedures. A police officer, or  
33 equivalent, shall be required to be present at all special events held at the school, if required by  
34 the Village’s Code, after review as a special event permit.  
35

36 6.3 Solely one (1) athletic tournament, jamboree, or division-type play (where  
37 numbers of spectators and opposing team(s) are invited to play on site) shall take place at one  
38 time on the property (7900 SW 176<sup>th</sup> Street through 8001 SW 184<sup>th</sup> Street). To be clear, this  
39 condition relates to holding one event. Not several events, different sports, at same time. Any  
40 athletic tournaments, etc., may take place after normal school operating hours (after 3:00 p.m.)  
41 and weekends from 10:00 a.m. and 3:00 p.m.  
42

43 6.4 No bleachers shall be located adjacent to the eastern and western buffers of 7900  
44 SW 176<sup>th</sup> Street and 8100 SW 184<sup>th</sup> Street. Adjacent shall mean not within 20 feet of the  
45 buffers.

1  
2 6.5 The Applicant shall provide fencing for the tennis center.  
3

4 6.6 The Applicant shall not install lighting for outdoor uses other than the parking  
5 areas, and any emergency lighting requirements of the Code. The interior of the pool may  
6 contain lights. Lighting of the athletic fields is prohibited.  
7

8 6.7 The pool shall be enclosed with a fence and hedge with a minimum height of six  
9 feet (6 ft.) and comply with the safety barrier requirements of 33-151.11 through .22 of the Code.  
10 Any interior chain link fencing shall be poly-coated vinyl and black or green in color. The pool  
11 shall not be constructed during Phase 1 and is not to be constructed for at least five (5) years  
12 after final zoning approval.  
13

14 6.8 The Applicant shall comply with conditions 4.10 and 10.4 relating to lighting and  
15 Bill Sadowski Park.  
16

17 7. Landscaping:  
18

19 7.1 The Applicant shall meet all the minimum requirements of Division 30-100 of the  
20 Village's Code of Ordinances, Chapter 24 of the Miami-Dade County Code and specifically  
21 comply with all conditions imposed by Miami-Dade County DERM.  
22

23 7.2 The Applicant shall covenant that no improvements, other than as provided for in  
24 recommendation 7.3, shall be permitted within the confines of the buffer area (i.e. no roads,  
25 parking, storage sheds, recreational, sports, or any other use that may negatively impact the  
26 buffer).  
27

28 7.3 The buffer shall be landscaped in accordance with the Applicant's revised  
29 landscape plan received by the Village on April 19, 2010. In addition, the Applicant shall  
30 construct a three and a half foot (3.5 ft.) berm on the interior, internal to the site, adjacent to the  
31 six foot (6 ft.) CBS wall to be constructed along the eastern and western perimeter of 8001 SW  
32 184<sup>th</sup> Street. The berm shall be approved by the Planning & Zoning staff as part of the landscape  
33 plan review. The landscape buffer, as indicated on Sheet 39, shall be installed along the entire  
34 eastern and western perimeter throughout the 75 foot buffer for the area known as 8001 SW  
35 184<sup>th</sup> Street. The berm shall be incorporated into the buffer design, found at Sheet 39  
36 (maintenance path shall be reduced in width as provided in these conditions). The layout found  
37 at Sheet 39 shall not be limited to solely the parking area adjacent to the buffer, but rather  
38 throughout the buffer fringe – creating a solid hedge along the interior edge of the buffer.  
39

40 7.4 The eastern and western buffers along 8001 SW 184<sup>th</sup> Street may contain a  
41 meandering pedestrian path, within the innermost/interior 25 feet of the 75 foot buffer. The  
42 Applicant shall limit the meandering walking path to a maximum width of six feet (6 ft.). The  
43 pedestrian path shall solely be used for pedestrian/walking/ running purposes.  
44

1           7.5    Where practicable, the maintenance path and the meandering walking path shall  
2 be the same path, along the eastern and western buffers for 8001 SW 184th Street. Final  
3 determination/approval of “where practicable” shall be made by the Village’s Planning & Zoning  
4 Director. Otherwise, the maintenance path shall be limited to a maximum width of eight feet (8  
5 ft.) and should be used solely for maintenance purposes. The Maintenance portion of the “joint-  
6 path” shall not be paved [the increase to eight (8) feet – a two-foot non-paved area surrounding  
7 the six foot (6 ft.) pedestrian path]. All other buffers shall solely contain an unpaved, up to eight  
8 (8) foot maintenance path.  
9

10           7.6    The eastern and western perimeters of 8001 SW 184<sup>th</sup> Street shall contain a  
11 concrete wall six feet (6 ft.) in height, finished on both sides and maintained by the Applicant.  
12 The southern boundary at SW 184<sup>th</sup> Street and northern boundaries at SW 176<sup>th</sup> Street shall  
13 provide a six foot (6 ft.) wrought iron fence with masonry columns. The eastern and western  
14 perimeters of 7900 SW 176<sup>th</sup> Street already contain a six foot (6 ft.) concrete wall that shall be  
15 required to be maintained, on both sides.  
16

17           7.7    The Applicant shall provide and/or replace landscaping improvements along SW  
18 184 Street and SW 176 Street fronting the school in compliance with the Village’s Street Tree  
19 Master Plan prepared by O’Leary Richards Design Associates, Inc., and in coordination with the  
20 Village’s Public Works and Planning & Zoning Departments.  
21

22           7.8    The Applicant shall preserve existing trees (including native trees) during the  
23 development of the project, wherever possible. If the trees must be removed, the Applicant shall  
24 be required to mitigate the impact in accordance with Village and DERM requirements. If the  
25 relocated trees do not survive, the Applicant shall be required to replace the trees in compliance  
26 with DERM and Village requirements.  
27

28           7.9    The Applicant shall install additional oaks and planting materials on the northwest  
29 perimeter of buildings no. 16 and 18 in order to provide additional screening to the adjacent  
30 neighborhood located on the western boundary of the property. The Applicant is to provide two  
31 (2) native trees and a cluster of palms.  
32

33           7.10   The pool area shall be landscaped as provided under section 6.7, above.  
34

35           7.11   The Applicant shall prohibit parking by faculty, visitors, and students on the  
36 rights-of-way bordering the school by planting and maintaining landscaping along the rights-of-  
37 way in accordance with Village requirements. The Applicant shall work with the Village and  
38 County to install “No Parking” signs for the right-of-way along SW 176<sup>th</sup> Street and SW 184<sup>th</sup>  
39 Street.  
40

41           7.12   Applicant shall maintain the areas identified herein as “buffer” and shall be  
42 required to perpetually maintain the landscaping within the buffer with the identified native  
43 species and other plantings provided in the landscape plan. At no point shall structures be  
44 constructed within the buffer area. The buffer shall consist of the 75 foot set aside along the east,

1 west and southern perimeters of 8001 SW 184<sup>th</sup> Street; and the 50 foot set aside along the east,  
2 west, and northern perimeters of 7900 SW 176<sup>th</sup> Street.

3  
4 7.13 Applicant shall provide annual update, plan, as to the maintenance for the buffer  
5 areas.

6  
7 7.14 Buildings 16 and 18 shall require Live Oak trees, or comparable trees, every 20  
8 feet on center for the length of the structures. Each tree shall have an overall height of 16 feet.  
9 For Building 16 the trees shall be planted along the west façade and for Building 18 along the  
10 east façade.

11 8. Traffic:

12  
13  
14 8.1 The Applicant shall be responsible for compliance with the Land Development  
15 Regulations relating to traffic concurrency requirements.

16  
17 8.2 The Applicant shall hire one (1) police officer, or equivalent, during regular  
18 session, (per entrance) to control traffic during peak morning and afternoon school hours for  
19 each entrance to the school (SW 176<sup>th</sup> Street and SW 184<sup>th</sup> Street). The school shall also utilize a  
20 police officer for special events, as is required under condition 6.2.

21  
22 8.3 The Applicant shall install traffic calming devices along the internal circulation  
23 driveways and roadways in compliance with the Site Plan and Traffic Study prepared by David  
24 Plummer & Associates, Applicant's traffic expert.

25  
26 8.4 The Applicant shall control the entry points to the school by directing student,  
27 teacher, and staff vehicles to enter and exit the school from SW 184 Street driveway. The  
28 entrance to SW 176<sup>th</sup> Street shall solely serve as the drop-off and pick-up location for students.  
29 This process will be implemented through a decal program. The different color decals will be  
30 distributed and assigned to a specific driveway. The security gatehouse at each driveway will  
31 monitor for proper use of the decal. Violators shall be contacted by the school master and  
32 security to ensure proper enforcement.

33  
34 8.5 The Applicant shall fund a series of peak hour intersection turning movement  
35 counts, and 72 hour link counts to be taken by the Village along SW 176 Street and at the school  
36 driveway entrance on that street. These are to occur on a random basis once each semester of  
37 school operations in perpetuity at the discretion of the Village.

38  
39 8.6 If either the 1370 trip daily volume or 960 combined trip volume peak thresholds  
40 are violated, the Applicant will be notified in writing and be required to enact measures to bring  
41 the traffic volumes into compliance. To do so, the Village will require the school to propose at  
42 least three (3) mitigative measures that would be enacted should the situation arise. Some of the  
43 mitigation measures that could be considered are color coded decal system (see condition 8.4);  
44 limiting access to/from SW 176<sup>th</sup> Street to the east only; license plate numbers entrance  
45 assignment; lottery assignment; controls/prohibitions/signing; and, closing internal roads so

1 driveway entered must be exited. If the corrective action is not implemented within three (3)  
2 weeks of the school being noticed of the violation, the Village will require the entrance be closed  
3 until corrective action is implemented by the school. The Village will then verify that the actions  
4 to correct the violation are working through additional Village traffic counts paid for by the  
5 School.

6  
7 8.7 The Applicant shall keep the entrance to SW 176<sup>th</sup> Street closed to vehicular  
8 traffic on weekends, holidays and all days when school is not in regular session.

9  
10 8.8 The SW 176<sup>th</sup> Street entrance shall not be used for the delivery of goods or  
11 services to the school or by commercial vehicles. All buses and vans used to transport students  
12 to and from the property shall use SW 184 Street as ingress and egress.

13  
14 8.9 The SW 176<sup>th</sup> Street entrance shall be closed at 7:00 p.m. everyday.

15  
16 8.10 The Applicant shall develop an alternative transit mode feasibility program within  
17 three (3) years after receiving the zoning approval. The program should provide incentives for  
18 the student to use alternative mode of transportation such as carpool, public transportation or  
19 private mass transit to get to and from school.

20  
21 8.11 The Applicant shall be responsible for implementing the following mitigation  
22 initiatives, as delineated in the David Plummer & Associates Report (Applicant's traffic expert),  
23 dated April 22, 2010:

- 24  
25 (a) Old Cutler Road/ SW 184 Street – Add a southbound right turn lane; signal  
26 phasing adjustments.  
27 (b) SW 184 Street at the project driveway – Construct an eastbound left turn lane.  
28 (c) SW 184 Street at the project driveway – Construct a westbound right turn lane.  
29 (d) Provide one off-duty police officer at each driveway during morning drop-off and  
30 afternoon pick-up periods to monitor/control traffic.

31  
32 8.12 Applicant shall be responsible for all expenses relating to traffic control, police  
33 involvement, and police participation in traffic movements (the traffic plan). The traffic plan  
34 relating to the daily school use and/or for any special events at the school for the roadways shall  
35 be subject to approval of Village Police Department and Village Police Officers are to be hired  
36 by and paid for by Applicant to manage traffic at entrance(s) to school and off-site locations  
37 affected by traffic conditions.

38  
39 8.13 Applicant shall install a “No Left Turn” sign at the exit to SW 176<sup>th</sup> Street and  
40 shall preclude left-hand turns onto SW 176<sup>th</sup> Street, westbound, from the Applicant's SW 176<sup>th</sup>  
41 entrance. This condition shall be required, at a minimum, during peak hours.

42  
43 8.14 If vehicle stacking/queuing spills-over onto SW 176<sup>th</sup> Street, the applicant shall be  
44 required to provide additional on-site stacking to accommodate the spill-over. This would  
45 require a modification of the circulation plan, which shall be reviewed by the appropriate Village

1 Departments for Compliance. The Applicant shall not be required to obtain Council approval to  
2 make the necessary stacking related, circulation modifications to the interior of the property.  
3

4 8.15 Applicant shall comply with the “safe routes to school” requirements of 1006.23,  
5 Florida Statutes.  
6

7 8.16 Applicant shall install public sidewalks within the Rights-of Way fronting  
8 Applicant’s properties – 7900 SW 176<sup>th</sup> Street and 8001 SW 184<sup>th</sup> Street, after receiving  
9 approval from the appropriate governmental agencies (County and Village).  
10

11 8.17 The Village shall bi-annually (every six (6) months) test to ensure that there is a  
12 limitation of neighborhood cut-through traffic. The Village shall analyze the traffic data and  
13 determine corrective measures to limit such cut-through traffic. Based upon the testing, the  
14 Village shall implement such corrective measures needed to enforce the Village’s goal (for  
15 example, installing no turn signs at certain hours, etc.). This is an obligation of the Village.  
16

17 8.18 As part of Phase I, per exhibit D, the Applicant shall complete the turning lanes at  
18 the new SW 184<sup>th</sup> Street entrance.  
19

20 9. Parking Related Conditions  
21

22 9.1 Comply with condition 7.11 relating to precluding right-of-way (ROW) parking.  
23 | Cross-reference with section 7.39, above.  
24

25 9.2 No parking of vehicles in any of the interior buffers to the property (7900 SW  
26 176<sup>th</sup> Street or 8001 SW 184<sup>th</sup> Street).  
27

28 9.3 The Applicant shall install pavers in the parking lot to minimize the stormwater  
29 runoff impacts, rather than asphaltting the entire parking area, in compliance with Section 28-  
30 6(b)(1), of the Village’s Code of Ordinances.  
31

32 9.4 No loud radios shall be allowed within the parking areas of the entire site.  
33

34 9.5 Lighting shall be consistent with conditions 10.2 and 10.3, below.  
35

36 9.6 That the Applicant shall maintain a sign prohibiting bus traffic, bus parking,  
37 student, faculty or visitor parking along the swales/entrances to the Applicant’s property.  
38

39 9.7 Proposed installation of 48 sable palms to be planted in the northwestern corner of  
40 8001 SW 184<sup>th</sup> Street shall be replaced with Live Oak Trees, or other trees acceptable to the  
41 Village, as the Oaks shall reduce the “heat island effect,” shall enhance the buffering of the site,  
42 and increase the tree canopy for the site. The landscaping for the parking lot shall be reviewed at  
43 permitting by the Planning and Zoning Department as to the number and type of trees.  
44

1 9.8 A continuous hedge shall be incorporated around all parking areas and shall meet  
2 all requirements of Chapter 18A, subsections (I) and (J), of the Miami-Dade County Code.

3  
4 9.9 Applicant is not to create any additional, unimproved, temporary or permanent  
5 parking areas on the property.

6  
7 10. Lighting & Energy:

8  
9 10.1 The Applicant shall not install lighting for outdoor use other than for parking  
10 and/or Code required emergency lighting. The interior of the pool, below the water surface, may  
11 contain lights.

12  
13 10.2 Applicant shall install and maintain parking area light fixtures which project the  
14 light rays directly to the parking surface, and shall include shields which restrict projection of  
15 light rays outward to adjacent properties and also restrict the upward projection of light rays into  
16 the night sky. Outdoor parking lot area light fixtures shall not cast more than 1/2 ft. candle at the  
17 property line.

18  
19 10.3 The parking lot lights and all other outdoor lighting (whether for security,  
20 roadway or parking) should have a maximum overall height of 15 feet.

21  
22 10.4 The Applicant shall not interfere with night programming at Bill Sadowski Park  
23 and no athletic field lighting shall be permitted so as preclude adverse effects to the night  
24 programming at the Park and residential community.

25  
26 10.5 The Applicant shall be required to comply with the conditions of Section 28-6, of  
27 the Village's Code of Ordinances relating to the "Minimum Green Standards" (relating to LED  
28 lighting, pavers, energy saving fixtures and water conservation).

29  
30 10.6 The Applicant shall provide roof location in those structures with flat roofs to  
31 install conduit from the electrical room for future Photovoltaic System (PV) installation. A  
32 minimum of 300 sq. ft. or larger of roof area in a south or west direction shall be dedicated and  
33 clear of vent pipes and other obstructions to allow for the installation of a future PV system. The  
34 submitted plans must note compliance with this provision.

35  
36 10.7 The parking lot and internal circulation lights shall be placed on a timer consistent  
37 with the termination of operational hours and consistent with applicable codes.

38  
39 11. Noise:

40  
41 11.1 Noise emanating from athletic fields and bleachers shall not generate a direct  
42 sound pressure level in excess of 65 decibels at the school's boundaries, as provided under the  
43 Village's Code Section 30-60.29, as may be amended. The Village will notify the school and the  
44 Community Relations Committee of any violations of the noise ordinance. The Village and  
45 Applicant will immediately work together to develop corrective action(s). If the corrective

1 action(s) is/are not implemented within three (3) weeks of its adoption, the Village will require  
2 that all after-hours field activities be temporarily postponed until the corrective actions are  
3 implemented by the school.  
4

5 11.2 The Applicant shall install and maintain signs reading: "No radios beyond this  
6 point" at the guard house or other location approved by the Village's Planning & Zoning  
7 Department. Any student found by the Applicant's administration to have violated the sound  
8 restriction, after a warning, would be disciplined within the Palmer Trinity Rules and Procedures.  
9

10 11.3 At 7900 SW 176<sup>th</sup> Street, the Applicant shall ensure bells, pulses, buzzers, or  
11 other sounds to signal class times during school operating hours on days when school is in  
12 session shall not generate a direct sound pressure level in excess of 65 decibels above ambient  
13 sound measured by the A-weighted scale at the school's boundaries, as provided under the  
14 Village's Code, Section 30-60.29, as may be amended.  
15

16 11.4 At 8100 SW 184<sup>th</sup> Street, the Applicant shall use digital signage system or other  
17 non-noise devices approved and recommended by the American with Disability Act (ADA) and  
18 the ADA Standards for Accessible Design, to signal change of class times and announcements.  
19

20 11.5 Any temporary public address speaker system or similar amplified sound device  
21 in the athletic fields shall not be operated between the hours of 5:00 p.m. and 10:00 a.m.  
22 (Monday thru Friday). On Saturday, the temporary public address speaker system or similar  
23 amplified sound device in the athletic fields shall not be operated between the hours of 2:00 p.m.  
24 and 10:00 a.m. The temporary public address speaker system shall be used in compliance with  
25 the Village's noise Ordinance 30-60.29, as amended, and shall not generate a direct sound  
26 pressure level in excess of 65 decibels at the school's boundaries.  
27

28 11.6 Code Compliance shall bi-annually (every six months) test the noise levels of the  
29 Applicant's property from various locations and report back to the Community Relations  
30 Committee. The Applicant shall work with Code Compliance and the Committee to cure any  
31 violations of the Village's noise ordinance.  
32

## 33 12. Environmental: 34

35 12.1 The Applicant shall provide a space for the collection and storage of recyclables.  
36 This provision provides convenient access to recycling facilities and encourages building  
37 occupants to utilize the recycling programs to their fullest. Projects shall comply with the  
38 minimum solid waste and recyclables storage requirements. Applicant shall depict the collection  
39 and storage area(s) location on submitted plans.  
40

41 12.2 The Applicant shall use interior paints and wood finishes with low volatile  
42 organic compound levels that do not exceed 50 grams per liter flat, or 150 grams per liter non-  
43 flat. This shall be noted on the approved plans.  
44

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

11  
12 13. Operations.

13  
14 13.1 Service and delivery vehicles, including solid waste pick-up, shall be restricted to  
15 Monday through Friday, between the hours of 7:00 a.m. to 7:00 p.m. [consistent with 30-  
16 60.29(e)(7), of the Code]. Saturday deliveries would be allowed from 10:00 a.m. to 1:00 p.m.  
17 Service and delivery vehicles shall use the SW 184<sup>th</sup> Street entrance. This requirement shall be  
18 implemented upon the construction of the SW 184<sup>th</sup> Street entrance.

19  
20 13.2 Service, delivery and storage areas and equipment shall be adequately screened  
21 and located away from view of adjacent properties, in accordance with the proposed site plan.

22  
23 13.3 That interior use of school facilities shall be restricted to the hours of operation  
24 between 6:00 am and 10:00 pm, provided that the use is by the Applicant for school-related  
25 purposes.

26  
27 13.4 The property shall not be used for commercial leasing purposes. Commercial  
28 leasing purposes shall mean any use not directly affiliated with the school operations of the  
29 Applicant. In addition, it shall mean the use of the Applicant's property, buildings and facilities  
30 for economic value or profit through third-parties.

31  
32 13.5 Service, delivery and storage areas and equipment shall be adequately screened  
33 and located away from view of adjacent properties, in accordance with the proposed site plan.

34  
35 14. Structures.

36  
37 14.1 The two (2) longer structures (building 16, the gymnasium and building 18, the  
38 performing arts building) should be modified as follows: the wider portion of these structures are  
39 approximately (260 ft x 149 ft.). The Southern portion of each building provides a "tail-like"  
40 continuation/extension of approximately 110 feet. These "tail-like" extensions should be  
41 setback/offset six feet (6 ft.) from the wider portions of each building. As to Building 16, the six  
42 foot (6 ft.) setback/offset should be towards the east boundary. As to Building 18, the six foot (6  
43 ft.) setback should be setback towards the west boundary.

1 14.2 In addition, along the 110 foot setback portion of Buildings 16 and 18, there  
2 should be a colonnade or arcade, with first floor roof-like structure, to break-up the monolithic  
3 volume.  
4

5 14.3 In compliance with section 7.124, Live Oak trees, or other equivalent type trees,  
6 with an overall size of 16 feet in height, should be planted along the remaining east side of  
7 Building 18 and along the remaining west side of Building 16, every 20 feet on-center for the  
8 length of the structures (area not covered by the first floor roof-like arcade structured area). The  
9 16 foot trees should be root pruned to encourage their ability to survive the shock of planting.  
10

11 15. Enforcement.  
12

13 15.1 Non compliance with the approved site plan shall result in the denial of future  
14 permits and may result in a daily fine, per violation, as provided under section 15.2, below.  
15

16 15.2 A violation of any of the development approvals and/or conditions of the Village  
17 Council will result in a \$500.00 a day fine, per violation. The Village shall provide Applicant  
18 with a reasonable period of time to cure. The Applicant is entitled to an appeal of the notice of  
19 civil citation pursuant to the procedures for the Village Special Magistrate, found at section 2-  
20 205 of the Village' s Code.  
21

22 15.3 Cross-reference with specific enforcement provisions relating to section 4.6 as to  
23 student population and removal of portables under section 5.11.  
24

25 15.4 Authorization for the Village of Palmetto Bay to Withhold Permits and  
26 Inspections. In the event the terms herein are not being complied with, in addition to any other  
27 remedies available, the Village is authorized to withhold any further permits, and refuse to make  
28 any inspections or grant any approvals, until such time as the conditions contained herein are  
29 complied with. The Village shall provide Applicant with a reasonable notice to cure period. The  
30 Applicant may follow the procedures for the Village Special Magistrate regarding any appeal.  
31

32 15.5 Cross-reference with section 11.6.  
33

34 This is a final order.  
35

36 Section 5. Record.

37 The record shall consist of the notice of hearing, the application, documents submitted by  
38 the applicant and the applicant's representatives to the Village of Palmetto Bay Planning and  
39 Zoning Department in connection with the applications, the Village's recommendation and  
40 attached cover sheet and documents, the testimony of sworn witnesses and documents presented  
41 at the quasi-judicial hearing, and the tape and minutes of the hearing. The record shall be  
42 maintained by the Village Clerk.  
43

