

RESOLUTION NO. 2013-85

ZONING APPLICATION VPB-2013-005

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

WHEREAS, the Applicant, Alexander School, Inc., made an application for a site plan modification, which plan was previously approved and subsequently modified pursuant Resolution Nos. 2-ZAB-370-62, 3-ZAB-40-68, 4-ZAB-609-69, CZAB13-8-00, and CZAB13-9-01, which included the establishment of a 270 student kindergarten through ninth grade educational facility and a non-use setback variance along the north and south property line, for the property located at 14850 SW 67 Avenue, as described in the Village of Palmetto Bay Department of Planning and Zoning Recommendation, which is attached to this resolution; and,

WHEREAS, the Village Council of the Village of Palmetto Bay conducted a quasi-judicial hearing on the application on November 18, 2013, at Village Hall, 9705 East Hibiscus Street; and,

WHEREAS, the Mayor and Village Council finds, based on substantial competent evidence in the record, that the application for the site plan modification is consistent with the Village of Palmetto Bay Comprehensive Plan and the applicable Land Development Regulations; and,

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

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

Section 1. A public hearing on the present applications was held on November 18, 2013, in accordance with the Village's "Quasi-judicial hearing procedures." Pursuant to the testimony and evidence presented during the hearing, the Village Council makes the following findings of fact, conclusions of law and final order.

Section 2. Findings of fact.

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

- b. On June 20, 1962, the Metropolitan Dade County Zoning Appeals Board approved, with conditions, Resolution No. 2-ZAB-370-62 for an Unusual Use to permit a Day School and Day Camp, and an Unusual Use to permit an outdoor recreational area.
- c. On January 17, 1968, the Metropolitan Dade County Zoning Appeals Board passed and adopted Resolution No. 3-ZAB-40-68 expanding the existing non-conforming day nursery school and day camp to allow up to 270 children, and a Special Exception as to Conditions No.'s 4, 5, 6, and 7 of Resolution No. 2-ZAB-370-62.
- d. On November 12, 1969, the Metropolitan Dade County Zoning Appeals Board passed and adopted, with conditions, Resolution No. 4-ZAB-609-69, approving a Special Exception to operate a nursery and a grade school (pre-school through the ninth grade) serving 270 children.
- e. On December 13th, 2000, the Miami-Dade County Community Zoning Appeals Board approved and adopted, with conditions, Resolution No. CZAB13-8-00, approving a Non-Use Variance of setback requirements to permit buildings of public assemblage to setback less than the required 75' from the interior side (north and south) property lines.
- f. On June 19, 2001, the Miami-Dade County Community Zoning Appeals Board approved and adopted Resolution No. CZAB13-9-01, correcting an error in the legal description and reformed Resolution No. CZAB-13-8-00.
- g. The requested site plan modification is consistent with the Village's Comprehensive Plan, specifically Goal 1, of the Future Land Use Element (FLUE); Policy 1.1.5, of the FLUE; and Policy 2A.1.1 relating to the level of service of Village Roads.
- h. The rules that govern site plan approval are found at Section 30-30.5, Site Plan Approval, which incorporates therein all portions of the Villages Land Development Code applicable to the review of the applicant's request, including but not limited to Division 30-110, Religious Facilities, Private Schools, Child Care Facilities, and Other Non-Governmental Public Assembly Uses of the Land Development Code. A review of the Code, as evidenced in the analysis of staff, which is incorporated by reference into this resolution, and after hearing the applicant and applicant's experts, the Village Council found the site plan modification request consistent with those standards such as minimum setbacks buffers and screening, all applicable zoning regulations (taking into account the previously approved variance) of the underlying E-S and E-M Zoning districts, including but not limited to setbacks, height restrictions, landscaping and parking, conformance to the standards required of private educational facilities as prescribed in Division 30-110.
- i. Designation of the use as a kindergarten through ninth grade educational facility is not in question for this application as it was originally established in 1969 and has operated without interruption. Additionally, the Applicant is not requesting to change the previously approved number of students (270) and the grade levels (pre-school through ninth grade) currently authorized.

- j. The applicant desires to seek the construction of a LEED certified building, with the standards and criteria reflective of the higher quality consistent with that type of certification.
- k. The proposed site plan provides for significant improvements in the public right-of-way such as driveway, sidewalks and street trees.
- l. The Village adopts and incorporates by reference the Planning & Zoning Department staff report, which expert report is considered competent substantial evidence.
- m. At the public hearing conducted, no one spoke in opposition to the applicant's requests.
- n. The applicant and the Village agreed upon all modifications to the proposed conditions, which modifications are reflected in the below conditions under Section 4, entitled, "Order."
- o. The Village Council had no substantive disclosures regarding ex parte communications and the applicant raised no objections as to the form or content of any disclosures by the Council.

Section 3. Conclusions of law.

The site plan modification is reviewed pursuant to Section 30-30.5(j)(1), as supplemented by the Village Staff Report, including Attachment "B", Division 30-110 of the Village's Land Development Code, and Attachment "C", which includes the Village's and Miami-Dade County's Transportation Engineering Division's review of the applicant's traffic study, is found to be conditionally consistent.

Section 4. Order.

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

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

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

This is a final order.

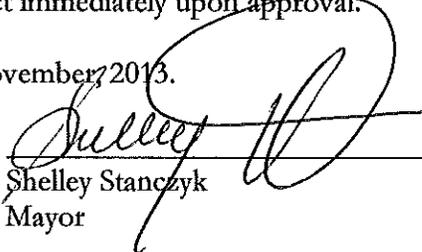
Section 5. Record.

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

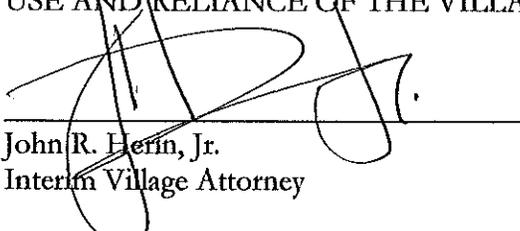
Section 6. This resolution shall take effect immediately upon approval.

PASSED and ADOPTED this 18th day of November 2013.

Attest: 
Meighan Alexander
Village Clerk


Shelley Stanczyk
Mayor

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


John R. Herin, Jr.
Interim Village Attorney

FINAL VOTE AT ADOPTION:

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

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



Meghan Alexander
Village Clerk