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RESOLUTION NO. 2014-66

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; AMENDING RESOLUTION 2014-58 SOLELY TO THE CONDITIONS TIED TO THE PALMER TRINITY PRIVATE SCHOOL, INC., MODIFIED SITE PLAN APPROVAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on July 22, 2014, the Mayor and Village approved Resolution No. 2010-58 granting Palmer Trinity Private School, Inc., a modification of site plan as so originally approved pursuant to Resolution 2010-48 (Amended 07/19/2011 and 08/29/2012), and

WHEREAS, Resolution No. 2010-58 sought to “maintain in effect all provisions, terms and conditions of Resolution No. 2010-48(Amended 07/19/2011 and 08/29/2012) as attached [t]herein, except and only in so far as those provisions are not directly and clearly in conflict with and inconsistent with” that decision; and

WHEREAS, upon the conclusion of the hearing, the Mayor and Village Council directed staff to review Resolution No. 2010-48 (Amended 07/19/2011 and 08/29/2012) and incorporate only those conditions that need be included in Resolution 2014-58; and

WHEREAS, because the Mayor and Village Council further directed staff that any such change to Resolution 2014-58 shall not come at the expense of an application fee to Palmer Trinity Private School, Inc., the proposed amendments are sponsored by staff; and

WHEREAS, the Village Council of the Village of Palmetto Bay conducted a quasi-judicial hearing on the application at Village Hall on September 22, 2014; and

WHEREAS, the Mayor and Village Council find, based upon substantial competent evidence in the record, that the application, previously reviewed pursuant to section 30-110, and 30-30.5, of the Village of Palmetto Bay’s Land Development Code relating to the above requests, and as amended by Council Action, is consistent with the Village’s Comprehensive Plan and the applicable land development regulations; and

WHEREAS, the Mayor and Village Council authorize the amendment of Resolution 2014-58.

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

Section 1. The WHEREAS clauses above are incorporated herein by reference.

Section 2. Resolution 2010-58 is hereby attached and incorporated into this Resolution and its Order is so amended to read as follows:

1
2
3 1. All conditions contained herein shall replace and supersede those provided by Any
4 decision rendered on this request shall maintain in effect all provisions, terms and conditions of
5 Resolution No. 2010-48 (Amended 07/19/2011 and 08/29/2012) as attached herein, except and
6 only in so far as those provisions are not directly and clearly in conflict with and inconsistent with
7 the decision regarding this request.
8

9 2. No portion of this approval and its conditions herein shall be interpreted to
10 contravene any Village of Palmetto Bay or Miami-Dade code provision not so specifically addressed
11 herewith.
12

13 3. The Applicant shall execute a unity of title document to be recorded in the public
14 records of Miami-Dade County, which unity of title shall covenant (or provide a covenant in lieu of
15 unity of title) the property holder(s) to join the parcels together [7900 SW 176th Street and 8001 SW
16 184th Street] as one parcel, in a form approved by the Village Attorney, consistent with the
17 requirements of the Village's Land Development Code¹. The unity of title shall specifically reference
18 this resolution and associated approved plans for the purpose of capturing all required information
19 required of those plans as may be amended from time to time. The covenant shall be in final form
20 for recording within 45 days of final approval. No permits shall be issued until the covenant/unity
21 of title is recorded.
22

23 4. Traffic: The recommendations of the traffic analysis dated April 22, 2010, by the
24 Miami-Dade County Transportation Engineering Division email dated June 5, 2014, and the Public
25 Works Department memorandum date June 25, 2014(as attached at Villages Traffic Analysis), shall
26 be met including but not limited to:-
27

28 4.1 The Applicant shall be responsible for compliance with the Land Development
29 Regulations relating to traffic concurrency requirements.
30

31 4.2 The Applicant shall hire one (1) police officer, or equivalent, during regular session,
32 (per entrance) to control traffic during peak morning and afternoon school hours for each entrance
33 to the school (SW 176th Street and SW 184th Street). The school shall also utilize a police officer for
34 special events.
35

36 4.3 The Applicant shall install traffic calming devices along the internal circulation
37 driveways and roadways in compliance with the Site Plan and Traffic Study prepared by David
38 Plummer & Associates, Applicant's traffic expert.
39

40 4.4 The Applicant shall control the entry points to the school by directing student,
41 teacher, and staff vehicles to enter and exit the school from SW 184th Street driveway. The entrance
42 to SW 176th Street shall solely serve as the drop-off and pick-up location for students. This process

¹ 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 in this order.

1 will be implemented through a decal program. The different color decals will be distributed and
2 assigned to a specific driveway. The security gatehouse at each driveway will monitor for proper use
3 of the decal. Violators shall be contacted by the school master and security to ensure proper
4 enforcement.

5
6 4.5 The Applicant shall fund a series of peak hour intersection turning movement
7 counts, and 72 hour link counts to be taken by the Village along SW 176th Street and at the school
8 driveway entrance on that street. These are to occur on a random basis once each semester of
9 school operations in perpetuity at the discretion of the Village.

10
11 4.6 If either the 1370 trip daily volume or 960 combined trip volume peak thresholds are
12 violated, the Applicant will be notified in writing and be required to enact measures to bring the
13 traffic volumes into compliance. To do so, the Village will require the school to propose at least
14 three (3) mitigative measures that would be enacted should the situation arise. Some of the
15 mitigation measures that could be considered are color coded decal system (see condition 4.4);
16 limiting access to/from SW 176th Street to the east only; license plate numbers entrance assignment;
17 lottery assignment; controls/prohibitions/signing; and, closing internal roads so driveway entered
18 must be exited. If the corrective action is not implemented within three (3) weeks of the school
19 being noticed of the violation, the Village will require the entrance be closed until corrective action is
20 implemented by the school. The Village will then verify that the actions to correct the violation are
21 working through additional Village traffic counts paid for by the School.

22
23 4.7 The Applicant shall keep the entrance to SW 176th Street closed to vehicular traffic
24 on weekends, holidays and all days when school is not in regular session.

25
26 4.8 The SW 176th Street entrance shall not be used for the delivery of goods or services
27 to the school or by commercial vehicles. All buses and vans used to transport students to and from
28 the property shall use SW 184th Street as ingress and egress.

29
30 4.9 The SW 176th Street entrance shall be closed at 7:00 p.m. every day.

31
32 4.10 The Applicant shall develop an alternative transit mode feasibility program within
33 three (3) years after receiving the zoning approval. The program should provide incentives for the
34 student to use alternative mode of transportation such as carpool, public transportation or private
35 mass transit to get to and from school.

36
37 4.11 The Applicant shall be responsible for implementing the following mitigation
38 initiatives, as delineated in the David Plummer & Associates Report (Applicant's traffic expert),
39 dated April 22, 2010;

40
41 4.11.1 Old Cutler Road/ SW 184th Street – Add a southbound right turn lane; signal
42 phasing adjustments.

43
44 4.11.2 SW 184th Street at the project driveway – Construct an eastbound left turn lane.

45
46 4.11.3 SW 184th Street at the project driveway – Construct a westbound right turn lane.

1
2 4.11.4 Provide one off-duty police officer at each driveway during morning drop-off and
3 afternoon pick-up periods to monitor/control traffic.
4

5 4.12 Applicant shall be responsible for all expenses relating to traffic control, police
6 involvement, and police participation in traffic movements (the traffic plan). The traffic plan
7 relating to the daily school use and/or for any special events at the school for the roadways shall be
8 subject to approval of Village Police Department and Village Police Officers are to be hired by and
9 paid for by Applicant to manage traffic at entrance(s) to school and off-site locations affected by
10 traffic conditions.
11

12 4.13 Applicant shall install a "No Left Turn" sign at the exit to SW 176th Street and shall
13 preclude left-hand turns onto SW 176th Street, westbound, from the Applicant's SW 176th entrance.
14 This condition shall be required, at a minimum, during peak hours.
15

16 4.14 If vehicle stacking/queuing spills-over onto SW 176th Street, the applicant shall be
17 required to provide additional on-site stacking to accommodate the spill-over. This would require a
18 modification of the circulation plan, which shall be reviewed by the appropriate Village Departments
19 for Compliance. The Applicant shall not be required to obtain Council approval to make the
20 necessary stacking related, circulation modifications to the interior of the property.
21

22 4.15 Applicant shall comply with the "Safe Routes to School" requirements of 1006.23,
23 Florida Statutes.
24

25 4.16 Applicant shall install public sidewalks within the Right-of-Way fronting Applicant's
26 properties – 7900 SW 176th Street and 8001 SW 184th Street, after receiving approval from the
27 appropriate governmental agencies (County and Village).
28

29 4.17 The Village shall bi-annually (every six (6) months) test to ensure that there is a
30 limitation of neighborhood cut-through traffic. The Village shall analyze the traffic data and
31 determine corrective measures to limit such cut-through traffic. Based upon the testing, the Village
32 shall implement such corrective measures needed to enforce the Village's goal (for example,
33 installing no turn signs at certain hours, etc.). This is an obligation of the Village.
34

35 4.18 As part of Phase I, the Applicant shall complete the turning lanes at the new SW
36 184th Street entrance.
37

38 5. Photo metric plans shall be provided and comply with all light requirements at the
39 time of permitting.
40

41 ~~6. The Applicant shall provide sound measures of the existing central chiller plant so~~
42 ~~that it may be used as a reference in estimating potential noise levels of similar plant at a new~~
43 ~~location.~~
44

45 76. Phasing of student enrollment shall comply with the timetable provided in the
46 Applicants Letter of Intent, and as attached hereto as Exhibit "A".

1 87. Applicant shall create a Community Relations Committee (CRC) that will be charged
2 with the responsibility of facilitating future discussions with neighbors. The Committee shall be a
3 voluntary group, with representatives from the neighborhood. The meetings of the CRC shall be
4 conducted on an as-needed basis and are intended to be a mechanism for communication,
5 discussion and resolution of issues.

6 98. The existing portable classroom trailers shall be removed within 45 days of issuance
7 of a certificate of occupancy for the first new replacement classroom building to be completed on
8 the property. The applicant shall furnish appropriate documentation to the Village, verifying
9 appropriate construction documentation and techniques to ensure safety of the structures and their
10 installation. Applicant shall provide a quote as to the cost of removal and disposal of the trailers and
11 provided a payment for same that shall be reimbursed back to applicant following Village
12 inspections verifying their removal.

13 109. With the exception of the entrance and roadway along SW 184th Street, landscaping
14 along the buffers shall be completed prior to receiving zoning approval of any building permits for
15 the construction of any structures or improvements associated with the site plan approval. This
16 should not be deemed to preclude those permits necessary for maintenance and repair of existing
17 structures or any permits associated with interior remodeling projects.

18
19 110. The Applicant shall work with the Village and County to install "Do Not Block
20 Intersection" signs along SW 184th Street from SW 82nd Avenue to Old Cutler Road.

21
22 12. The Applicant shall install pavers in the parking lot to minimize the stormwater
23 runoff impacts, rather than asphaltting the entire parking area, in compliance with Section 5-56(b)(1);
24 of the Village's Code of Ordinances.

25
26 13. The Applicant shall be required to comply with the conditions of Section 5-56, 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 14. The Applicant shall provide roof location in those structures with flat roofs to install
31 conduit from the electrical room for future Photovoltaic System (PV) installation. A minimum of
32 300 sq. ft. or larger of roof area in a south or west direction shall be dedicated and clear of vent
33 pipes and other obstructions to allow for the installation of a future PV system. The submitted plans
34 must note compliance with this provision.

35
36 15. At 8001 SW 184th Street, the Applicant shall use digital signage system or other non-
37 noise devices approved and recommended by the Americans with Disability Act (ADA) and the
38 ADA Standards for Accessible Design, to signal change of class times and announcements.

39
40 1611. The Applicant shall use interior paints and wood finishes with low volatile organic
41 compound levels that do not exceed 50 grams per liter flat, or 150 grams per liter non-flat. This shall
42 be noted on the approved plans.

43
44 1712. The Applicant shall prohibit parking by faculty, visitors, and students on the right-of-
45 ways bordering the school by planting and maintaining landscaping along the right-of-ways in

1 accordance with Village requirements. The Applicant shall work with the Village and County to
2 install "No Parking" signs for the right-of-way along SW 176th Street and SW 184th Street.

3
4 * * *

5
6 **Section 3.** This is a final order to amend Resolution 2014-58 only as provided under
7 Section 2 herein. All other terms and conditions, findings of fact, conclusions of law from
8 Resolution 2014-58, and all other conditions of that resolution remain in full force and effect.

9
10 This is a final order.

11
12 **Section 4.** Record.

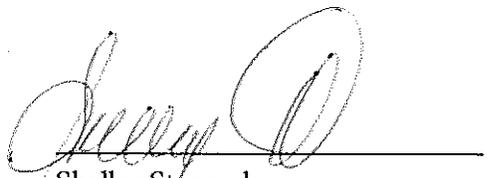
13
14 The record shall consist of the notice of hearing, the application, documents submitted by
15 the Applicant and the Applicant's representatives to the Village of Palmetto Bay Planning and
16 Zoning Department in connection with the applications, the Village's recommendation and attached
17 cover sheet and documents, the testimony of sworn witnesses and documents presented at the
18 quasi-judicial hearing, and the tape and minutes of the hearing. The record shall be maintained by
19 the Village Clerk.

20
21 **Section 5.** This resolution shall take effect immediately upon approval.

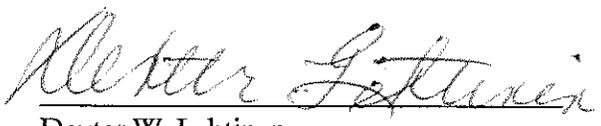
22
23 PASSED and ADOPTED this 22nd day of September, 2014.

24
25
26
27 Attest:


28 Meighan Alexander
29 Village Clerk


30 Shelley Stanczyk
31 Mayor

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

34
35
36
37 
38 Dexter W. Lehtinen
39 Village Attorney
40
41

June 26, 2014

Mr. Darby Delsalle
Director
Planning and Zoning Department
Village Hall
9705 East Hibiscus Street
Palmetto Bay, Florida 33157

Re: Palmer Trinity Private School

Dear Mr. Delsalle:

This letter amends the letter of intent previously submitted by Palmer Trinity Private School, Inc. on March 12, 2014.

We have been advised that the Village has determined that the site plan submitted by Palmer Trinity will be considered only in accordance with Village ordinances currently in effect and independently of any proposal to settle pending litigation. Accordingly, we understand that the Village will neither advertise nor conduct a quasi-judicial hearing on the settlement proposal that was accepted by the Village Council on September 9, 2013. Because the site plan prepared by MCHarry Associates dated June 19, 2014 ("2014 Site Plan") complies in all respects with the Village's comprehensive plan and adopted ordinances, Palmer Trinity requests approval of said site plan. By submitting this request, Palmer Trinity does not waive and accordingly reserves the right to pursue a settlement at a later date and time, as appropriate.¹

Subsequent to the adoption of Resolution 2010-48, the Village amended its Land Development Code by adopting Division 30-110 which regulates private schools, religious facilities and child care facilities. The Village now has comprehensive, legislative criteria that must be applied uniformly to all private schools. A public hearing is required to determine that all standards established in Division 30-110 have been met. See Section 30-110.2, Village Development Code. The 2014 Site Plan complies in all respects with the requirements of Division 30-110 and no variances have been

¹ Relatedly, the submittal of this site plan shall not be construed as a waiver of any previously accrued or vested right under prior versions of the Village Land Development Code.

requested. Accordingly, Palmer Trinity requests a public hearing to approve the 2014 Site Plan pursuant to Section 30-110.2.

Specifically, Palmer Trinity seeks to replace the site plan approved in 2010 ("2010 Site Plan") by Resolution No. 2010-48, as amended by Resolution Nos. 2011-53 and 2012-64 (collectively, "the Resolutions") and the conditions set forth in the Resolutions with the 2014 Site Plan. (Most of the conditions contained in Resolution 2010-48 have either been codified in Division 30-110 or have been incorporated into the 2014 Site Plan). Palmer Trinity also requests release of the covenant in lieu of unity of title provided and recorded by Palmer Trinity pursuant to the Resolutions.

In addition to complying with currently adopted Village ordinances and with the criteria incorporated into the 2014 Site Plan, in exchange for approval of its site plan, Palmer Trinity voluntarily agrees to the following conditions:

- 1) Student enrollment will not exceed 1,150 students.
- 2) Phasing of student enrollment shall not exceed the numbers shown on Exhibit "C" (copy attached) of Resolution No. 2010-48.
- 3) The 2014 Site Plan does not change the traffic patterns of the 2010 site plan, and Palmer Trinity shall implement the mitigation initiatives as delineated in the David Plummer & Associates Report dated April 22, 2010, including the following:
 - 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) Prior to the issuance of a certificate of occupancy for any new structure, the turning lane at the SW 184 Street entrance shall be completed.

Palmer Trinity has already constructed the perimeter wall and installed perimeter landscaping as required by the Resolutions. You will note, however, that Palmer Trinity was precluded by the condition restated in Item 3(d), above, from completing any new structures until the SW 184th Street entrance was completed. Construction on SW 184th Street requires the approval of Miami-Dade County. The permitting process has taken very long, despite the best efforts of Palmer Trinity and the Plummer firm. The County just issued one of the necessary approvals a few weeks ago. As a result of



Mr. Darby Delsalle
June 26, 2014
Page 3

permitting delays beyond Palmer Trinity's ability to control, we are requesting that the existing portable classrooms on the north parcel be permitted to remain until a classroom building can be constructed and occupied. Under existing conditions, a classroom building cannot be occupied until SW 184th Street has been completed. The existing portables are well-screened by landscaping and should not be a cause for concern.

Please contact me if you have any questions regarding this Amended Letter of Intent or the 2014 Site Plan. Thank you for your consideration of Palmer Trinity's 2014 Site Plan.

Sincerely,


Eileen Ball Mehta

cc: Michael Balamonte

MIAMI 4221986.3 70000/60140



BILZIN SUMBERG BAENA PRICE & AXELROD LLP

PALMER TRINITY SCHOOL
ENROLLMENT PROJECTIONS

School Year	Total Enrollment	Additional students from prior year	Percentage Increase
* 2012 - 2013	700	20	2.94%
* 2013 - 2014	720	20	2.86%
2014 - 2015	740	20	2.78%
2015 - 2016	840	100	13.51%
2016 - 2017	890	50	5.95%
2017 - 2018	942	52	5.84%
2018 - 2019	994	52	5.52%
2019 - 2020	1036	42	4.23%
2020 - 2021	1063	27	2.61%
2021 - 2022	1090	27	2.54%
2022 - 2023	1117	27	2.48%
2023 - 2024	1137	20	1.79%
2024 - 2025	1150	13	1.14%

* Enrollment granted and vested per previous approval Resolution #2012-64 adopted on August 29, 2012