

STAFF REPORT

PALMER TRINITY PRIVATE SCHOOL, INC.

VPB-14-001



Village of Palmetto Bay
FLORIDA

ZONING ANALYSIS

APPLICANTS: Palmer Trinity Private School, Inc. **PH:** VPB-14-001
ADDRESS: 7900 SW 176th Street, 8001 SW 184th Street **ZIP:** 33157
SECTION: 34-55-40 **HEARING DATE:** 7/21/14
COUNCIL DISTRICT: 3 **ITEM:** 1

A. GENERAL INFORMATION

REQUEST: Modification of an existing site plan. The total number of students permitted shall not exceed the previously approved Zoning Resolution No. 2012-64.
ADDRESS: 7900 SW 176th Street, 8001 SW 184th Street, Palmetto Bay, FL 33157
LOT SIZE: 2,308,680 sq. ft. (53 Acres)
FOLIO #: 33-5034-000-0580 and 33-5034-000-0620

B. BACKGROUND

On September 9, 2013, the Mayor and Village Council (Council) voted to proceed with a conceptual agreement submitted by Palmer Trinity Private School, Inc. (Applicant), to reach settlement regarding certain outstanding litigation. Although the outstanding litigation is not tied to nor contingent upon a site plan request of the Applicant, the conceptual agreement did contemplate the Applicant submitting a site plan modification request of a previous approval adopted by the Mayor and Village Council on May 4, 2010, as was subsequently modified on July 19, 2011, and August 29, 2012¹. The site plan modification that is the subject of this report is the Applicant's submission pursuant to that conceptual agreement.

For clarification, the pending litigation between the Village of Palmetto Bay (Village) and the Applicant does not pertain to the current active site plan. Any litigation pertaining to the current site plan has been fully adjudicated, and as such, Palmer Trinity Private School, Inc., is able to act on the plan as prescribed by the approved resolutions and their conditions.

¹ Resolution 2010-48, adopted on May 4, 2010, granted with conditions, a Special Exception and Modified Site Plan to the property in question with a student enrollment of 900 where 1,150 was requested and the inclusion of a 30 year prohibition on future zoning requests. Resolution 2011-53, adopted on July 19, 2011, repealed the 30 year prohibition but imposed a 600 student cap. Resolution 2012-64, adopted August 29, 2012, granted a student enrollment of 1,150 students.

The property itself consists of two parcels that have been joined under a covenant in lieu of unity of title as so prescribed the decisions of 2010, 2011 and 2012. However for the purpose of this report, the north parcel shall be referred to as 7900 SW 176 Street, and the south parcel shall be referred to as 8001 SW 184 Street. The north parcel is part of the original school grounds and consists of approximately 21 acres. The south parcel is where the majority of future improvements are proposed and consists of approximately 32 acres.

The Applicant's site plan modification request does not include any change in student enrollment, and does not alter the previously approved traffic and external circulation plan. The total net square footage of the proposed modification is less than previously approved. The most notable changes include moving the chapel further north and away from the football field, a reduction of landscape buffers along the south lot from 75 feet to 50 feet (five is required), relocation of the swimming pool facility, and improved internal circulation facilitating improved rescue vehicle access in and around the site.

As referenced above, the property has an approved site plan. This report seeks to provide a zoning analysis solely to that portion of the Applicant's request which seeks to modify the previous approval as granted by Resolution 2010-48(Amended 07/19/2011 and 08/29/2012). Any decision rendered on this request shall maintain in effect all provisions, terms and conditions of Resolution 2010-48(Amended 07/19/2011 and 08/29/2012), except and only in so far as those provisions are not directly and clearly in conflict with and inconsistent with the decision regarding this request. Failure of the request shall leave the previous decisions as the approved site plan.

C. ZONING HEARING HISTORY

The following is a review of the zoning history as it applies to property in question. The associated resolutions identified herein are attached to this report.

On **September 25, 1958**, the Board of County Commissioners, Dade County, Florida passed and adopted **Resolution No. 2173** approving a boundary district change from EU-2 (Five Acre Estates) and AU (Agricultural) to RU-1 (One Family Residential) and EU-M (Estate Use Modified) to permit the single-family use.

On **November 22, 1961**, the Metropolitan Dade County Zoning Appeals Board approved, with conditions, **Resolution No. 2-ZAB-85-61**, which was a special exception to permit a school use and facilities incidental thereto, including but not limited to classrooms, dormitories, library, cafeteria, chapel, gymnasium, athletic field, and swimming pool.

On **April 12, 1979**, the Metropolitan Dade County Zoning Appeals Board approved, with conditions, **Resolution No. 4-ZAB-159-79**. The request expanded the private

school and granted an unusual use to permit outdoor table dining area for the student population.

On **May 15, 1985**, the Metropolitan Dade County Zoning Appeals Board approved, with one condition, **Resolution No. 4-ZAB-177-85**. The request modified condition number two which revised the site plan for the existing private school to include a school classroom building expansion and an additional parking area.

On **April 27, 1988**, the Metropolitan Dade County Zoning Appeals Board approved, with conditions, **Resolution No. 4-ZAB-179-88**. The approval modified Resolution 4-ZAB-159-79, to allow for the construction of a two-story library/administration/classroom structure; a redistribution of classroom and parking areas (allow a non-use variance to permit 152 parking spaces where 174 was required); continued use (under a non-use variance request) of the 19 ft. wide, two-way drive where 22 ft. is required with fewer parking spaces than previously provided; and, to allow for an addition of 200 students for a total of 600 students.

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

On **September 15, 2008**, the Village of Palmetto Bay issued a letter of substantial compliance. The request was linked to Resolution No. CZAB-132-99, dated March 16th, 1999, and accompanied the master plan dated May 10th, 2000. Identified was item number B.5 and addressed the removal of trailers onsite. Item number B.8, dealing with the location of the chapel on site, together with other items identified on that site plan.

On **May 4, 2010**, the Mayor and Village Council of the Village of Palmetto Bay, Florida approved, with conditions, **Resolution No. 2010-48**. The site plan was approved with conditions, the special exception was granted which expanded the school to include an additional 32.2 acres, and 300 students for a total of 900 students (the request was for 1,150 students).

On **July 19, 2011**, the Mayor and Village Council of the Village of Palmetto Bay, Florida approved, with conditions, **Resolution No. 2011-53**. Amending Resolution No. 2010-48, relating to the special exception and site plan modification on property zoned E-M. The resolution removed condition 4.4 deleting the 30 year prohibition on future zoning application requests, and struck all references to the 900 student enrollment cap which resulted in a total permitted enrollment of 600.

On **August 29, 2012**, the Mayor and Village Council of the Village of Palmetto Bay, Florida approved, with conditions, **Resolution No. 2012-64**; which amended Resolution

Nos. 2010-48 and 2011-53, approving the special exception to expand the student enrollment to a maximum of **1,150** students.

D. NEIGHBORHOOD CHARACTERISTICS

ZONING

FUTURE LAND USE DESIGNATION

Subject Property:

E-M: Estate Modified Single-Family

Estate Density Residential

Surrounding Properties

NORTH: E-M; Estate Single-Family

Estate Density Residential

SOUTH: E-R; Estate Residential

N/A Cutler Bay

EAST: E-1; Estate Single-Family
E-M; Estate Single-Family

Estate Density Residential

Estate Density Residential

WEST: E-1; Estate Single-Family
E-M; Estate Single-Family

Estate Density Residential

Estate Density Residential

E. SITE AND BUILDINGS

Site Plan Review:	Acceptable
Scale/Utilization of Site:	Acceptable
Location of Building(s):	Acceptable
Compatibility:	Acceptable
Landscape Treatment:	Acceptable
Open Space:	Acceptable
Buffering:	Acceptable
Access:	Acceptable
Visibility/Visual Screening:	Acceptable
Circulations:	Acceptable

F. ANALYSIS

The following is a review of the modified site plan request dated stamped June 19, 2014, titled Palmer Trinity Private School, Inc., as prepared by M.C. Harry Associates (Site Plan). The review is performed pursuant to the Division 30-110 and the criteria at Section 30-30.5(j)(1) of the Village's Code of Ordinances. Under state law, all zoning items must be consistent with the Village's Comprehensive Plan, and Section 30-30.5(j)(1) specifically incorporates that requirement. The History Section of this report, all traffic engineering review peer reviews, and sound engineering review are hereby incorporated into this analysis by reference.

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**SECTION 1.
DIVISION 30-110**

**Subsection 1.1
Required Information**

Section 30-110.3 Required Information: The project was reviewed for consistency with the relevant Sections of 30-110.3 of the Village Code of Ordinances. The following is an analysis of that review.

Criteria: (1) *Written information – all applications:* a) Total size of the site; b) Number of parking spaces provided for staff, visitors, and operations vehicles and justification that those spaces are sufficient for the facility; c) number of pick-up and drop-off spaces provided for automobile and bus use and justification that those spaces are sufficient for the transportation needs of the facility; d) Days and hours of operation; weekly and annually; e) an explanation of any such activities anticipated to be conducted in association with the facility but typically conducted outside of the hours of; f) Means of compliance with requirements of the Florida Building Code, the National Uniform Building Code, and the departmental requirements of the Miami-Dade County Fire Department, Miami-Dade County Department of Public Health, the Florida Department of Health and Rehabilitative Services, and any federal or state regulations applicable to the specific application and occupancy; g) means of compliance with Section 30-30.2(d), unity of title or declaration of restriction in lieu of unity of title.

(2) *Written information – schools and child care facilities:* a) maximum number of students to be served; b) grades or age groups that will be served; c) maximum number of teachers, administrative and clerical personnel; d) maximum number of classrooms and total square footage of classroom space; e) total square footage of non-classroom, administrative office space; f) total square footage of non-classroom, student activity space; g) amount and location of exterior recreational/play area in square footage; and h) maximum number and type of vehicles that will be used in conjunction with the operation of the facility.

(3) *Graphic information.* The following graphic information shall be prepared by a Florida registered design professional: a) a plan indicating existing zoning on the site and adjacent areas; b) a site plan indicating the following: 1) location of all structures; 2) parking layout, automobile/bus stacking areas (parent pickup, school bus delivery/pickup, and special needs locations), drives and circulation; 3) walkways; 4) location of recreation areas and play equipment which shall include surrounding fences and/or walls, which shall comply with 30-60.2; 5) any other features which can appropriately be shown in plan form; c) floor plans and elevations of all proposed structures. d) landscape plan listing quantities, size, and names of all plants consistent with Section 30-100.1(d).

Analysis: All applicable required documentation was submitted and is provided with the applicant's submission.

Finding: Complies.

Subsection 1.2
Physical Standards

Section 30-110.6 Physical Standards: The project was reviewed for consistency with the relevant Sections of 30-110.6 of the Village Code of Ordinances. The following is an analysis of that review.

Criteria (1)a: *Setbacks.* Buildings and other improvements for public assemblage shall comply with the applicable district regulations, located in Division 30-50, and the following additional requirements:

Analysis: All proposed buildings and ancillary uses and structures comply with setback requirements as reflected on the applicant's Site Plan.

Finding: Complies.

Criteria (1)b: No building for public assemblage shall be located closer than 25 feet from any property line which abuts a public highway or alley, or closer than 50 feet from any property line abutting or adjacent to another lot or closer than 75 feet from an existing residential building, or within a required landscape buffer.

Analysis: See Criteria (1)a.

Finding: Complies.

Criteria (1)c: In E-1, E-1C and E-2 Districts, where the setback from the front building line is greater than the minimum specified by this section, buildings for public assemblage shall set back at least the minimum distance of 50 feet from the front property line.

Analysis: Not applicable. The property is Zoned E-M.

Finding: Not applicable.

Criteria (1)d: No building for public assemblage in E-M, E-S, E-1, E-1C, and E-2 Districts shall be closer than 75 feet from any property line abutting a lot under ownership other than that on which the structure is to be placed.

Analysis: See Criteria (1)a.

Finding: Complies.

Criteria (1)e: Landscaping and trees shall be identified and provided in accordance with Division 30-100 of this Code for the underlying zoning district.

Analysis: Proposed landscaping complies with Division 30-100. The proposed landscape plan is adding 291 shade trees, 240 palm trees, 8,982 shrubs and groundcovers. These plantings meet and exceed the required landscaping code and help to minimize any impact on the surrounding properties. Given that the applicant is surrounded by single family homes and is requesting athletic fields adjacent thereto, it is recommended the property maintain 50 foot landscape buffer on the east, west and south, boundary of the 8001 SW 184 Street property and maintain the existing landscape buffer along the north property as reflected in the Site Plan.

Finding: Conditionally complies provided the landscape buffer is maintained as provided in the applicant's Site Plan.

Criteria (1)f: *Prohibited locations for child care facilities.* Child care facilities as described in this Division shall be prohibited from operating on property abutting or containing a water body such as a pond, lake, canal, irrigation well, river bay or ocean or other body of water unless a safety barrier is provided which totally encloses or affords complete separation from such water hazards and at a minimum comply with section 30-60.4. Swimming pools and permanent wading pools in excess of 18 inches in depth shall be totally enclosed and separated from the balance of the property so as to prevent unrestricted admittance. All such barriers shall be a minimum of 48 inches in height and shall comply with the following standards:

1. *Gates.* Gates shall be of the spring back type so that they shall automatically be in a closed and fastened position at all times. Gates shall also be equipped with a safety lock and shall be locked when the area is without adult supervision.
2. *Safety barriers.* All safety barriers shall be constructed in accordance with the standards established in this Code, except that screen enclosures shall not constitute a safety barrier for these purposes.

Analysis: The facility is not adjacent to a body of water.

Finding: Complies.

Criteria (1)g: Compliance with Section 30-50.1(h), relating to odors, liquids, gases, dust, smoke, vibration or noise.

Analysis: The site plan includes the installation of a new dumpster enclosure in compliance with screening requirements pursuant to Section 30-60-7(f). The enclosure is sited 51 feet off the property line. Do to existing development conditions and needed turning radii, a more interior location for the

enclosure was not offered by the applicant. Service, delivery and storage areas and equipment are adequately screened and located away from view of adjacent properties, in accordance with the proposed site plan.

Any future construction associated with the proposed site plan will likely occur at different times over a projected 20 year time period. All construction shall be planned, managed and executed according to Section 30-60.11 of the Village Code.

Finding: Complies.

Criteria (1)h: *Signs.* Signs shall comply with district regulations as contained in Division 30-90-17-b of this Code for the underlying zoning.

Analysis: Signage was not part of the applicant's submission. As such, all signage shall be required to comply with the Village's Land Development Code at the time of permitting.

Finding: Complies.

Criteria (1)i: A child day care facility within a business district shall comply with the setback requirements of the business district within which it is located.

Analysis: The school is located in a residential district.

Finding: Not applicable.

Criteria (2)a. *Minimum site sizes.* The following are the minimum site sizes that shall be required, based on the proposed maximum number of children who will use the facility at any one time. All calculations for the number of children/students shall be based on the total proposed maximum enrollment. When the number of children permitted results in a fractional number, any such fraction equal to or greater than one-half shall be rounded up to the next highest whole number. When grade levels overlap, the more restrictive standard shall be used.

1. *Minimum site size for grades kindergarten through the sixth grade.* The maximum number of children for kindergarten through the sixth grade shall not exceed 60 children per acre.
2. *Minimum site size for grades seven through 12.* The maximum number of students for seventh through twelfth grades shall not exceed the following:

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Square Feet of Site Area	Maximum Number of Students
From zero acres to two acres	45 students per acre
From two acres up to four acres	50 students per acre
From four acres up to six acres	55 students per acre
From six acres up to eight acres	60 students per acre
From eight acres up to ten acres	65 students per acre
From more than ten acres	67 students per acre

Analysis: The calculation provided herein merely reflects maximum potential student enrollment predicated solely upon the standard provided by this specific criteria. Actual permitted enrollment is also guided by other requirements of site plan considerations such as but not limited to Comprehensive Plan concurrency, school building capacity, and availability of recreation fields. The total permitted student enrollment is 1,150, with an approximate population mix of 278 kindergarten through sixth graders and 872 seventh through twelfth graders. Accordingly, the projected student enrollment mix must be accommodated on a minimum of 17.64 acres; approximately 53 acres is provided.

	Pop/Mix	Ratio	=	Min Average
Grades K-6 th	278 ÷	60 per acre	=	4.63 acres
Grades 7 th -12 th	872 ÷	67 per acre	=	13.01 acres
Total	1,150			17.64 Acres
Provided				Approximately 53.0 Acres

Finding: Complies.

Criteria (2)b: *Outdoor recreational areas.* Outdoor recreation/play areas shall meet the following minimum standards, calculated in terms of the proposed maximum number of children for attendance at the school at any one time, unless otherwise indicated. Where there are age category combinations, each age classification shall be calculated individually. All outdoor recreational areas shall be located in the rear yard area. Whenever possible, the outdoor recreational/play areas shall not be immediately adjacent to single-family residences, or section line roads, nor create incompatible impacts on other immediately adjacent properties. Adequate screening in the form of a wall and landscaping shall be provided wherever the outdoor/play area abuts a property under different ownership. Where the front or side street property line of a child care facility described as a day care or day nursery, kindergarten or Family day care home, abuts a section line or half section line right-of-way no outdoor recreation playground/play area shall be located between the right-of-way and the building line parallel to the right-of-way. Within two (2) years after the Director mails notice of the requirement of this ordinance all existing child care facilities shall either comply with the foregoing requirement or install a safety barrier from vehicular traffic designed by a professional engineer and approved by the Public Works Department. For

any existing child care facility which is required to either relocate its outdoor recreation playground/play area or provide a safety barrier, any resulting reduction in outdoor recreation playground/play area shall be deemed in compliance with the minimum playground/play area requirements of this Division relating to Physical Standards relating to outdoor areas. Any such reduction shall also be deemed to be in substantial compliance with any site plan previously approved at public hearing. In the event that such a child care facility whose site plan was approved at public hearing seeks to relocate its playground/play area, such relocation shall be subject to approval after public hearing upon appropriate application. No fee shall be charged for such application. This subsection shall not be deemed to allow the future expansion of any child care facility to occur without complying with the requirements of the physical standards relating to outdoor areas.

Minimum Standards for Outdoor Recreation Areas

Type School	Required Square Footage
Day nursery, kindergarten, preschool and afterschool care	45 sq. ft. per child calculated in terms of half of the proposed maximum number of children for attendance at the school at one time
Elementary school (grades 1—6)	500 sq. ft. per student for the first 30 students; thereafter, 300 sq. ft. per
Middle and senior high school (grades 7—12)	800 sq. ft. per student for the first 30 students; 300 sq. ft. per student for the next 300 students; thereafter, 150 sq. ft. per student

Where there are category combinations, each classification shall be calculated individually.

Analysis: The location of the recreation fields on the north parcel are reflective of its existing built-out condition, notwithstanding adjustments that may occur from time to time. As such, they are permitted to remain where they are. The proposed locations of the recreation fields at the south parcel are reflective of the previous approval notwithstanding the reduction of the landscape buffer from 75 feet to 50 feet. These locations and configurations were chosen as a result of extensive public comment that was received during the preparation of the previous site plan that was approved in 2010. The desire was to push the school buildings towards the center of the property, to have the recreational fields peripheral thereto, with any seating/bleacher amenity pushed towards the interior. The fields are surrounded by landscaping and walls are required herein. This plan is consistent with that intent and similarly situated to the 2010 approval.

The total permitted student enrollment is 1,150, with an approximate population mix of 278 kindergarten through sixth graders and 872 seventh through twelfth graders. Accordingly, the project is required to have 284,700 square feet of recreation area; the site plan provides for 775,823.

TOTAL STUDENTS	
K-6 th Grade students	278
7 th -12 th Grade	872
Total	1,150

<u>K-6th grade required area</u>	
Students	Ratio
30 x	500 = 15,000
248 x	300 = 74,400
278	89,400

<u>7th-12th grade required area</u>	
Students	Ratio
30 x	800 = 24,000
300 x	300 = 90,000
542 x	150 = 81,300
872	195,300

TOTAL REQUIRED OUTDOOR RECREATION	
K-6 th grade	89,400
7 th -12 th	195,300
Total	284,700
Provided	775,823

Finding: Complies.

Criteria (2)c: *Signs.* Signs shall comply with district regulations as contained in Division 30-90 of this Code for the underlying zoning district. The exterior facade within a residential area shall be compatible with the residential character of the adjoining properties and signs shall not exceed six square feet in size.

Analysis: Signage was not part of the applicant's submission. As such, all signage shall be required to comply with the Village's Land Development Code at the time of permitting.

Finding: Complies.

Criteria (2)d: *Automobile stacking.* Stacking space, defined as that space in which pickup and delivery of children can take place, may be provided in the form of specified parking stalls and/or areas clear of vehicular drive aisles. Stacking space shall be provided for a minimum of two automobiles for private schools or child care facilities with 20 to 40 children; private schools providing elementary, middle or senior high curricula or child care facilities with 40 to 60 children shall provide four spaces; thereafter there shall be provided a space sufficient to stack five vehicles. However, the department may require a traffic and/or circulation study to demonstrate adequate vehicular circulation.

Analysis: The trip generation and number of students are staying the same. The Applicant provided the original traffic study from the previous approval dated May 4, 2010 (Resolution No. 2010-48). Because there are no changes to student population and access to the site, the previous approval relating thereto remains valid as reflected in Resolution 2010-48(Amended 07/19/2011 and 08/29/2012).

The internal traffic circulation plan submitted by the applicant mirrors that which was provided for the 2010 approval. External access and circulation reflect no changes. Internal circulation is improved to aid emergency vehicles and to enhance internal access within the property.

Miami-Dade County Transportation Engineering Division, via email, has conditionally accepted the applicant's traffic plan. Their conditions are provided at the applicant submission together with their traffic plan.

Finding: Consistent in so far as the Applicant's request remains materially unchanged as provided by Resolution 2010-48(Amended 07/19/2011 and 08/29/2012), and provided the recommendations of the traffic analysis dated April 22, 2010, by the Miami-Dade County Transportation Engineering Division email dated 3/17/2014, and the Public Works Department memorandum date June 25, 2014, are met.

Criteria (2)e: *Bus stacking.* Stacking space shall be provided to accommodate the transportation needs of the children to the facility without causing backup on to adjacent public rights-of-way or substantial disruption to adjacent uses.

Analysis: Bus transportation has been included and is indicated on the plans. The site provides for vehicles stacking and bus cueing.

Finding: Complies.

Criteria (2)f: Parking requirements. Shall be as required by the Miami-Dade County Public School Board for the type and size of private school or child care facility proposed and shall comply with Division 30-70. Kindergarten and elementary schools: Total parking spaces shall equal the combined total of personnel and transportation vehicles. Middle schools: Total parking spaces shall equal one and one-quarter times the combined total of personnel and transportation vehicles. High schools, trade schools and colleges: One parking space per 200 square feet of classroom area, including laboratories, libraries and administrative areas. In addition, one parking space shall be required for every four employees, excluding teachers.

Analysis: The total permitted student enrollment is 1,150, with an approximate population mix of 28 teachers and 3 buses for kindergarteners through fifth graders, 101 staff members and two buses for grades 6-8, and 136 staff

members and one bus for grades 9-12. Accordingly, the project is required to have 826 parking spaces; the site plan provides for 851.

Finding: Complies.

Criteria (2)g: *Classroom size.* All spaces shall be calculated on the effective net area usable for instruction or general care of the group to be housed. This space shall not include kitchen areas, bathrooms, and hallways. The minimum classroom space shall be determined by multiplying the maximum proposed number of pupils for attendance at any one time by the minimum square footage, as provided in table below. Where a private educational facility is non-graded, calculations shall be based on the age level that corresponds to the grade level in the public school system. Where a school includes more than one of the following categories, each category shall be individually computed.

Minimum Standards for Classroom Area

Type School	Required Square Feet
Day nursery, kindergarten, preschool and after school care	35 sq. ft. per pupil
Elementary grades (1—6)	30 sq. ft. per pupil
Middle and senior high grades (7—12)	25 sq. ft. per pupil
Babysitting service	22 sq. ft. of room area per child

Analysis: The total permitted student enrollment is 1,150, with an approximate population mix of 278 kindergartener through sixth graders, and 872 seventh through twelfth graders. Accordingly, the project is required to have 30,250 square feet of classroom area; the site plan provides for 80,365.

Type	#	Ratio	Required
Kindergarten	22	x 35	770 sq. ft.
1 st -6 th	256	x 30	7,680 sq. ft.
7 th -12 th Grade	872	x 25	21,800 sq. ft.
Total	1,150		30,250 sq. ft.
Provided			80,365 sq. ft.

Finding: Complies.

Criteria (2)h: *Structure height.* The structure height shall not exceed the height permitted for the underlying zoning district as delineated in Division 30-50.

Analysis: The maximum permitted height in the district is 35 feet. All of the proposed elevations fully comply with this standard.

Finding: Complies.

Criteria (2)i: Exemption. Baby-sitting services are exempt from the requirements relating to outdoor areas, auto stacking, parking and trees.

Analysis: The school does not provide baby-sitting services.

Finding: Not applicable.

Criteria (3): *Physical standards – Athletic fields and Amenities.* If provided as part of the application, as ancillary uses, the applicant shall comply with the following conditions: a. Lighting of outdoor recreational areas shall not be permitted. b. A swimming pool may solely provide interior lighting below the surface of the water and comply with Section 30-60.4.c. High school or Olympic sized pools shall have a sound proof wall, or other mitigating structures separating the pool area from adjacent residential uses. The mitigating structure or sound proof wall shall be installed prior to the utilization of the pool. The design and construction method of the mitigating structure or sound proof wall shall be determined by a certified acoustical engineer paid for by the applicant. The Village may hire its own acoustical engineer to review the findings of the applicant's expert. The pool may be completely enclosed in a building in lieu of the sound proof wall. An Olympic sized pool is a pool designed to be 50 meters in length (164 feet), and 25 meters (82 feet in length) with 10 lanes, with each lane width to be 2.5 meters (8 feet, two inches wide). The standard size of a high school pool is at least 25 yard in length. d. Any outdoor athletic field(s)/court(s)/pool(s) on non-residential properties shall be situated to minimize impacts to adjacent single family residential uses. Exemptions include a single-family size pool, a single tennis court, or a single basketball court. e. Fencing for a tennis court(s) shall be required as provided under Section 30-60.2(h).

Analysis: A substantial portion of the applicant's property is dedicated to athletic and recreational fields, which notwithstanding the reduction of the landscape buffer from 75 feet to 50 feet, are largely sited in the same general location as the plan adopted by Resolution 2010-48(Amended 07/19/2011 and 08/29/2012). The Applicant's request does not include athletic field lighting, and the pool facilities conform to this provision. With the buildings located towards the center of the project and the athletic field situated along the perimeters, it is recommended that the proposed 50 foot landscape buffer be provided and densely landscaped to minimize any impact.

Finding: Consistent provided the 50 foot landscape buffers are maintained.

Subsection 1.3 **Additional Site Plan Review Standards**

Section 30-110.7. - Additional site plan review standards. The project was reviewed for consistency with the relevant Sections of 30-110.7 of the Village Code of Ordinances. The following is an analysis of that review.

Criteria (1): *Planning and neighborhood studies.* Planning and neighborhood studies accepted or approved by the Village Council that include recommendations relevant to the facility and site shall be used in the review process.

Analysis: Additional studies were provided and peer reviewed as part of this request. Those studies are part of this overall analysis as applied to individual review criteria.

Finding: Conditionally complies as applies to the specified criteria within the full analysis.

Criteria (2): *Scale.* Scale of proposed private school and child care facilities shall be compatible with surrounding proposed or existing uses and shall be made compatible by the use of buffering elements.

Analysis: The application is consistent with the previously approved plan and is consistent with the existing use. Fifty foot landscape buffer are to be provided along the perimeter of the south parcel to minimize any visual impact to the adjoining neighborhood. All proposed heights are less than that permitted by the zoning district.

Finding: Complies.

Criteria (3): *Compatibility.* The design of private school and child care facilities shall be compatible with the design, kind and intensity of uses and scale of the surrounding area.

Analysis: See Criteria 2 above. The property has an established school. The applicant is seeking to construct additional buildings on-site to improve the existing facility. The expansion is consistent with the previously approved plan. The buildings are located towards the center of the campus, to provide maximum separation from the adjacent residential properties and the south lot is to be bordered by a 50 foot landscape buffer and 6 foot high masonry wall.

Finding: Conditionally complies provided the property is maintained with the landscape buffers and six (6) foot high masonry wall as identified on the plans.

Criteria (4): *Landscaping and Buffers.* Buffering elements shall be utilized for visual screening and substantial reduction of noise levels at all property lines consistent with Section 30-60.29. For the purposes of this code, "buffer" and landscape strip shall be used interchangeably. Below shall be the minimum requirements as to the landscaping and buffering:

- a. A six (6) foot concrete wall built consistent with Section 30-60.2, and a landscaped buffer shall be constructed where the non-residential use abuts a single-family residential use regardless of zoning district.

- b. The wall shall be finished and maintained on both sides by the applicant consistent with Section 30-60.2(b)(3).
- c. Landscaping within the buffer areas shall be maintained perpetually consistent with the landscape plan consistent with 30-100.1(d).
- d. The wall and buffer shall be constructed prior to the issuance of any permits for structures or improvements.
- e. All minimum landscaping requirements of Section 30-100 of the Village's Code of Ordinances, Chapter 24 of the Miami-Dade County Code and conditions imposed by Miami-Dade County PERA shall be met. All development orders shall put the applicant on notice that despite any permits issued by PERA, applicant is to comply with all development orders and conditions contained in this Division relating to landscaping and maintenance.
- f. No improvements shall be permitted within the buffer area (i.e. no roads, parking, storage sheds, recreational areas, pedestrian access or any other use except landscaping and unpaved maintenance access). No motorized vehicles may be used within the buffer area. Landscape maintenance shall comply with Section 30-100.3.
- g. Existing trees shall be preserved whenever possible during the development. If trees must be removed, the applicant shall be required to mitigate the impact in accordance with Village and PERA requirements. If the relocated trees do not survive, the applicant shall be required to replace the trees in compliance with Village and PERA requirements and the requirements of Section 30-100.4.
- i. The plants required and selected for the buffer area shall provide both visual and acoustic buffering between the adjacent homes and the proposed structures and the expected noise sources. The buffer should consist of canopy trees, understory trees and shrubs. When possible, the shrubs should be of a type of planting material that would provide the required buffering within two years of planting. A berm may be included in the buffer to absorb sound and increase the vegetation height, as long as irrigation is provided and runoff retention requirements are met. A berm may not substitute for a required fence or wall.
- j. Canopy trees must be a minimum of 25 feet on center for the entire buffer. Understory trees are to be dispersed through the buffer in a manner to accommodate their natural growth and standard planting distance accepted by landscape architects.
- k. The design of the buffer is to be determined and approved by a certified acoustical engineer (licensed by the State of Florida) and landscape architect, paid for by the applicant, when deemed appropriate. The Village may also hire its own acoustical engineer to review the findings of applicant's experts. The experts are to evaluate the uses, the site, the proposed buffer, which is intended to be a visual and sound barrier. The experts shall evaluate the plantings and determine an efficient mechanism for minimizing the noise generating elements of the site from the adjacent properties.

Analysis: The site plan includes a six (6) foot wall around the property and the applicant shall be required to maintain as such. Large sections of the wall have already been constructed. There is a section along the north end of the property which will be constructed and is indicated on the plans. The plans include a 50 foot landscape buffer to screen the campus and its amenities from the adjacent neighborhood. The application included a noise study completed by Audio Bug in 2010, which the Applicant had peer reviewed by Siebein Associates, Inc., in January 2014. That study and peer review were forwarded to the Village's consultant, Ross Engineering, and found to be acceptable and within code tolerances.

Finding: Complies.

Criteria (5): Traffic

- a. Where a traffic operations plan (TOP) is required by Village Code, applicant shall utilize a certified traffic engineer, licensed in the State of Florida, paid for by the applicant, and shall conduct a traffic study and traffic operations plan, and prepare a report of that study for the Village. The Village may hire its own Traffic engineer to review the findings of applicant's expert.
- b. The applicant shall be responsible for compliance with Comprehensive Plan, relating to traffic concurrency requirements.
- c. Local roads as prescribed by the Comprehensive Plan shall not be used for the delivery of goods or services by commercial vehicles, when possible.
- d. Applicant shall be responsible for all expenses relating to traffic control, police involvement, and police participation in traffic movements. The traffic plan for the roadways relating to the daily use of the property or any special events on the property shall be subject to approval of Village Police Department and Public Works of Miami-Dade County and the Village, as applicable. Police officers are to be hired by and paid for by Applicant to manage traffic at property entrance(s) and off-site locations affected by traffic conditions.
- e. The applicant shall be required to provide additional on-site stacking of automobiles to accommodate any spill-over onto neighborhood streets.
- f. No driveway or driveway access shall be within 10 feet of the buffers abutting residential properties, when feasible.
- g. No helicopter or fixed wing landing zones shall be permitted except for emergency medical services.
- h. Main access shall be provided directly from a collector road or main arterial road, whenever feasible.
- i. Applicant shall comply with the provisions of Section 30-70.4.
- j. Applicant shall comply with the provisions of Section 30-60.1 relating to public rights-of-way.

- t. Pedestrian and vehicular circulation shall be separated insofar as is practicable, and all circulation systems shall adequately serve the needs of the facility and be compatible and functional with circulation systems outside the facility consistent with Division 30-70. Automobile and bus stacking spaces shall be provided to accommodate the drop-off and pick-up needs without causing substantial disruption to adjacent right-of-ways or the surrounding uses.

Analysis: The trip generation and number of students are staying the same. The Applicant provided the original traffic study from the previous approval dated May 4, 2010 (Resolution No. 2010-48). Because there are no changes to student population and access to the site, the previous approval relating thereto remains valid as reflected in Resolution 2010-48(Amended 07/19/2011 and 08/29/2012).

The internal traffic circulation plan submitted by the applicant mirrors that which was provided for the 2010 approval. External access and circulation reflect no changes. Internal circulation is improved to aid emergency vehicles and to enhance internal access within the property.

Miami-Dade County Transportation Engineering Division, via email, has conditionally accepted the applicant's traffic plan. There conditions are provided at the applicant submission together with their traffic plan.

Finding: Consistent in so far as the Applicant's request remains materially unchanged as provided by Resolution 2010-48(Amended 07/19/2011 and 08/29/2012), and provided the recommendations of the traffic analysis dated April 22, 2010, by the Miami-Dade County Transportation Engineering Division email dated 3/17/2014, and the Public Works Department memorandum date June 25, 2014, are met.

Criteria (6): *Service areas.* Wherever service areas are provided they shall be screened and so located as not to interfere with adjacent properties.

Analysis: Required service vehicles are to remain as previously approved. The submitted plans include a number of upgrades to help further mitigate the impact on the adjacent properties, such as soundproof walls and additional landscape buffering.

Finding: Complies.

Criteria (7): *Parking areas.*

- a. Parking areas shall be screened/obscured and so located as not to interfere with the livability of the adjacent residential properties.
- b. Vehicle parking shall not be permitted in any on-site buffer areas.

- c. Ample parking shall be provided on-site for required parking and off all right-of-way areas. Surplus parking may be provided off-site, provided however, it is not located within the rights-of-way.
- d. Parking structures (for more than six vehicles) shall not be permitted on residentially zoned properties.
- e. Loading zones shall be situated towards the center of the property and if feasible away from any buffer abutting a residential zone.
- f. Loading zones may be located within building structures provided the buildings meet setback requirements.
- g. Ample parking facilities for buildings for public assemblage shall be provided off of rights-of-way. Parking facilities for a building of public assemblage in a residential district may be permitted in the same district with the religious facility, school or other buildings used for noncommercial purposes, provided no parking lot or special parking area is closer than 25 feet from any residential property and shall comply with the parking requirements found at Division 30-70, of this Code.
- h. Compliance with the requirements of 30-70.4.
- i. Reflect all off-street parking areas.
- j. Public assembly uses may enter into parking agreements with adjacent property owners within 500 feet of the public assembly use to accommodate surplus parking needs above and beyond parking code requirements of Division 30-70. The parking agreement shall demonstrate that the lease of such spaces will not create a parking deficiency for the off-site property and a copy of the agreement shall be provided to the Village Planning & Zoning Department.

Analysis: Much of the parking areas are largely in the same location as the Resolution 2010-48(Amended 07/19/2011 and 02/29/2012)l. Most notable changes include reduction of the landscape buffer from 75 feet to 50, switching the location of the pool facility and a parking surface area, and the addition of a drive isle to enhance internal circulation and provide greater access to rescue vehicles. In addition the bus drop-off and loading areas have been slightly shifted towards the center of the property to help mitigate noise. The site plan complies with all parking requirements and internal pedestrian amenities are included to provide for safe movement of individuals in and around the site near parking areas and drive isles as reflected on the internal Traffic Operations Plan.

Finding: Complies.

Criteria (8): *Commercial impacts.* Where schools are permitted in residential areas it shall be clearly demonstrated in graphic form how the impact of the area has been minimized by design techniques.

Analysis: See criteria 30-110.7 Criteria (6) above.

Finding: Complies.

Criteria (9): *Lighting*

- a. All lighting shall require a detailed site lighting plan with location, height, type of lights, shades, deflectors, beam directions, and photometric data. All plans shall be consistent with the requirements of Section 30-60.6.
- b. Exterior lighting intensities shall be controlled to assure that light spillage and glare are not directed onto adjacent properties or streets and all direct illumination is kept within property boundaries, consistent with the requirements of 30-60.6(2). Exterior lighting shall be controlled so as not to adversely affect adjacent properties and motorists, consistent with 30-60.6.
- c. No building or structure shall have any up lighting, directional soffit lights or wall-pac lights, provided, however, wall-pac lighting may be placed within an interior courtyard without violating this provision. One way down lights on walls, columns, covered terraces or walkways shall be permitted.
- d. Lighting shall not be installed (or used) for outdoor recreational areas. (Underwater lighting used for the illumination of a swimming pool, fountain and other water features may be permitted) consistent with 30-60.6
- e. Parking area, circulation, and security light fixtures shall be installed which project the light rays directly to the ground surface and shall include shields which restrict projection of light rays outward to adjacent properties and also restrict the upward projection of light rays into the night sky. Consistent with 30-60.6(4), it is not intended here to regulate permitted sign lights and it is not the intent to modify, amend or repeal any portion of the Florida Building Code, or the home rule powers of Miami-Dade County. Applicant shall comply with Division 30-90, relating to signage.
- f. The parking area, circulation and security lights shall not exceed a maximum overall height of fifteen (15) feet.
- g. Compliance with the Village's Sustainable Building Standards found at Section 5-51 through 5-63, relating to energy saving fixtures and LED lighting shall be required.
- h. The parking area and internal circulation lights shall be installed consistent with Miami-Dade County Code, the Florida Building Code, and comply with 30-60.6(4).

Analysis: The plan currently does not reflect light pole locations or include a photometric plan, although a note was included stating compliance with lighting requirements shall be confirmed at time of building permit review. This note was found to be acceptable as, the criteria requires adherence regardless of this site plan approval. Given the various parking areas will likely be developed at different times and possibly over a period of years, any photometric plan submitted today would likely be dated given the technology that

may be available at the time of construction will have changed. Regardless, current code provisions limit such lighting systems to fifteen (15) feet in height which is consistent with the previous condition granted to the property by Resolution 2010-48(Amended 07/19/2011 and 08/29/2012). The adjacent landscape buffers provide an effective barrier preventing light spillage onto adjacent residential properties. Outdoor recreational lighting, bar internal pool illumination, is not offered as part of this request. All lighting shall be consistent with Village and Miami-Dade County codes.

Finding: Conditionally complies provided photo metric plans shall be provided and comply with all light requirements at time of permitting.

Criteria (10): *Noise*

- a. The sound level of site operation shall not exceed the decibel levels in the Village Noise Ordinance, 30-60.29.
- b. Sound pressure levels shall be measured at the property line upon which the emission occurs consistent with 30-60.29.
- c. When determined necessary and applicable, applicant is to hire an acoustical engineer, to determine whether the wall, buffer, and landscaping, as well as proposed activities would limit the effects felt by the community due to the proposed use of the site and to confirm that the noise levels will comply with the Village's noise ordinance. The Village may also hire an acoustical engineer to review the findings of Applicant's expert.

Analysis: The application includes the use of a permanent public address system. A noise study was completed on behalf of the Applicant by Audio Bug in 2010, which was subsequently peer reviewed by Siebein Associates, Inc., in January 2014. That study and peer review were forwarded to the Village's consultant, Ross Engineering, and found to be acceptable and within code tolerances with the suggestion that "the existing central chiller plant be measured for sound to use as a reference in estimating potential noise levels of similar locations. Given the property is surrounded by low density residential uses the site plan reflects a significant expansion of campus which includes new buildings and athletic fields, additional conditions are incorporated herein at Condition 9 et.al. as previously granted in 2010. Additionally the applicant shall be required to comply with 30.60.29 at all times.

Finding: Condition complies as provided in the analysis.

Criteria (11): *Trash Pickup Location:*

- a. Trash pickup location shall be situated so as to not interfere with the livability of the adjacent residential properties, and away from the buffer, when feasible.
- b. Any trash enclosure that has any food waste shall be enclosed and screened with landscaping.

- c. Comply with section 30-60.7(f).

Analysis: See criteria 30-110.7 Criteria (6) above.

Finding: Conditionally complies.

Criteria (12): *Required Zoning Workshop.*

- a. The Zoning Workshop shall not be considered part of the quasi-judicial hearing. Each application shall be evaluated based upon the record presented at the Village Council hearing(s) on the application.
- b. Upon submission of an application for any of the above described uses, the applicant shall present a planned development to the public during a zoning workshop, which is to be held within 90 days of submittal of the application. Notice of the workshop shall be provided to the public consistent with the requirements of this Division.
- c. The zoning workshop shall be held to provide a forum for the public to learn about the proposed development within the residential zoning district(s). During this workshop members of the public may ask questions and provide feedback or input to the applicant(s). Representatives of the applicant shall be available to answer questions. Color renderings of the proposed structures, along with a site plan and any other visual materials shall be provided in a form viewable by all in the meeting room at least 30 minutes prior to the scheduled start time. A public comment period shall be provided. Developments may be presented to the public simultaneously, in several locations within the meeting site. During this workshop members of the public are encouraged to ask questions and to provide feedback to the applicant about the proposed development.
- d. In addition, representatives of the applicant shall be available to answer questions that members of the public may have about the proposed development. A second workshop may be scheduled within 30 days of the first, provided, however the meeting date is established prior to the conclusion of the first workshop. Upon completion of the workshop procedure, the application shall be scheduled for the next available zoning hearing, provided the application and staff review is complete and consistent with notification requirements at Section 30-30.11e. The members of the Village Council may be present during the workshop but may not participate in the discussion. The Village Council shall comply with the Village's quasi-judicial procedures found at Section 2-105, and disclosure requirements of Section 2-106, of the Village's Code of Ordinances.

Analysis: A zoning workshop was held Wednesday June 11th, 2014. The workshop provided the opportunity for the public to review the Applicant's propose

plan and ask questions pertaining thereto. No additional workshop was requested.

Finding: Complies.

Criteria (13): As a condition of approving the plot use or site plan, the Village shall require a recorded covenant establishing the calculations and conditions and restricting the area designated for child care to child care use only.

Analysis: The conceptual settlement agreement envisioned a development agreement prior to a site plan hearing (and presumably approval), however given this requirement, it is not entirely clear as to whether such an agreement is necessary at this time. Staff believes the requirement of this criterion is sufficient.

Finding: Conditionally complies as provide in the analysis above.

Criteria (14): As part of the site plan the applicant is to provide graphic information, prepared by a design professional(s), such as registered Florida architects and landscape architects, a plan indicating the existing zoning on the site and adjacent areas; location of all structures Provided; parking layout and drives Provided; walkways Provided, location of recreation areas and play equipment which shall include surrounding fences and walls Provided; floor plans and elevations of all proposed structures Provided; landscaping as further detailed herein; and any other features which can appropriately be shown in plan form..

Analysis: A review of the submitted plans shows all of the required information has been provided.

Finding: Complies.

Criteria (15): *General conditions.*

- a. Applicant shall comply with the provisions of Section 30-60.3 relating to utility sheds, accessory buildings, and screened enclosures.
- b. Applicant shall comply with the provisions of Section 30-60.5 relating to generators.
- c. Applicant shall comply with the provisions of Section 30-60.7 relating to outdoor storage.
- d. Applicant shall comply with the provisions of Section 30-60.8 relating to residential boat storage; recreational and camping equipment; tents; awnings and canopies.
- e. Applicant shall comply with the provisions of Section 30-60.18 relating to Special events; temporary uses.
- f. Applicant shall comply with the provisions of Section 30-60.21 relating to maintenance of structures.

- g. Applicant shall comply with the provision of Section 30-60.24, relating to permits not to be issued for violations.
- h. Applicant shall comply with the provision of Section Sec. 30-60.25 relating to certificates of use. The certificate of use and occupancy shall be automatically renewable annually by the Department upon compliance with all the terms and conditions including maintenance of the facility in accordance with the approved plan.
- i. Applicant shall comply with the provision of Section 30-60.30 and 30-60.52 relating to telecommunications towers, antennas and satellite dishes.
- j. Applicant shall comply with the provisions of Section 30-100.6, relating to floodplain management regulations.
- k. Applicant shall comply with the provisions of Section 30-100.5, relating to multi-agency review of natural resource issues.
- l. Applicant shall comply with the provisions of Section 30-100.7, relating to conservation and emergency water restrictions.
- m. Applicant shall comply with the provisions of Division 30-150, relating to historic preservation.
- n. Applicant shall comply with the provisions of Division 30-160, relating to art in public places.
- o. Applicant shall comply with the provisions of Sections 14-19 through 14-30, relating to false alarms.
- p. Applicant shall comply with the provisions of Section 27-51 thorough 27-90, relating to lot maintenance.
- q. Applicant shall comply with the provisions of Section 29-51 through 29-56 relating to utility line clearing.

Analysis: The above criteria are incorporated in Division 30-110 so as to provide appropriate reference to relevant development regulations. The applicant's request either reflects compliance or shall demonstrate compliance with the above as appropriately implemented pursuant to those provisions.

Finding: Complies in so far as the standard is either specifically identified on the submitted plan set or compliance shall be achieved as provided by the respective provisions.

Subsection 1.4 **Operational Standards**

Section 30-110.8. Operational Standards. The project was reviewed for consistency with the relevant Sections of 30-110.8 of the Village Code of Ordinances. The following is an analysis of that review.

Criteria 1: Service and delivery vehicles, including but not limited to solid waste pick-up, shall be restricted to Monday through Friday between the hours of 7:00 a.m. to 7:00 p.m. [consistent with 30-60.29(e)(7) of the Code]. Weekend deliveries shall be allowed between 8:00 a.m. and 5:00 p.m. 2. Service, delivery and

storage areas and equipment shall be adequately screened and located away from view of adjacent single family residential properties. 3. Operational hours of the non-residential use shall be such that the impact upon the immediate residential neighborhood is minimized. 4. Where services areas are provided they shall be screened and so located as not to interfere with the livability of the adjacent residential properties.

Analysis: See criteria 30-110.7 Criteria (6) above.

Finding: Conditionally complies as provided by the analysis above.

Criteria 2: Service, delivery and storage areas and equipment shall be adequately screened and located away from view of adjacent single-family residential properties.

Analysis: Please see Subsection 1.3 pertaining 30-110.7 Criteria (6), (8), (10), and (11). As shown on the plans the applicant has added a dumpster enclosure area and sound walls adjacent to the area where loading and unloading shall occur. In addition there has been additional landscaping added between the wall and the property line which is 50 feet away.

Finding: Conditionally complies as provided in the analysis above and the corresponding findings.

Criteria 3: Operational hours of the non-residential use shall be such that the impact upon the immediate residential neighborhood is minimized.

Analysis: Please see Subsection 1.3 pertaining 30-110.7 Criteria (6), (8), (10), and (11).

Finding: Complies as provided in the criteria identified above.

Criteria 4: Where services areas are provided they shall be screened and so located as not to interfere with the livability of the adjacent residential properties.

Analysis: Please see Subsection 1.3 pertaining 30-110.7 Criteria (6), (8), (10), and (11). As shown on the plans, the applicant has added a dumpster enclosure area and sound walls adjacent to the area where loading and unloading shall occur. In addition there has been additional landscaping added between the wall and the property line which is 50 feet away.

Finding: Conditionally complies as provided in the analysis above and the corresponding findings.

SECTION 2.
DIVISION 30-30.5(j)(1)

Sec. 30-30.5(j)(1). – Site Plan Review Requiring Public Hearing: The project was reviewed for consistency with the relevant Sections of 30-30.5(j)(1) of the Village Code of Ordinances. The following is an analysis of that review.

Criteria a: In what respects the plan is or is not consistent with the Comprehensive Plan and the purpose and intent of the zoning district in which it is located.

Analysis: **Goal 1:** To guide the Village of Palmetto Bay from birth to early maturity as an outstanding and truly livable community in southeast Florida by building on, and improving, the existing land use blueprint through visionary planning and place-making, cost efficient provision of high quality facilities and services, quality neighborhood protection, and enhancement of its unique and beautiful coastal environmental resources.

Please see the Background Section of this report and the full analysis provided at Section 1 of this analysis. Given that this site plan modification request primarily seeks the redistribution of previously approved amenities and does not include an increase in student enrollment or an alteration in the traffic patterns, many of the conditions previously granted by 2010-48(Amended 07/19/2011 and 08/29/2012) remain in effect.

Policy 1.1.5: Houses of Worship and other permitted non-residential uses continue to be allowed in all land use categories in the FLUM; however, if located in or near neighborhoods, adverse impacts to the tranquility of the residents around the allowed use and in the surrounding neighborhood must be minimized to the maximum extent possible. Therefore, in residential land use areas, houses of worship and other permitted non-residential uses are allowed on a conditional basis.

The rules that govern the conditions upon which such uses are permitted to be configured and operated are principally at Division 30-110 of the Land Development Code. The review is predicated upon (a previously approved) student enrollment of 1,150 students. To ensure that number is not exceeded, Resolution 2010-48(Amended 07/19/2011 and 08/29/2012) provided for an accounting standard and reporting mechanism to ensure compliance with that standard and the integrity of the evidence in support thereof.

Designation of the use is not in question for this application as it was originally established in 1961 with the most recent expansion granted by the

2010, 2011, and 2012 decisions, and has operated without interruption since said times.

Policy 2A.1.1: The Village of Palmetto Bay recognizes the Urban Development Boundary designated by Miami-Dade County within its municipal limits. The minimum acceptable p.m. peak period operating level of service for all State and County roads within the Urban Development Boundary shall be the following:

- (1) Where no public mass transit service exists, roadways shall operate at or above Level of Service D (90% of capacity)².
- (2) Where mass transit service having headways of 20 minutes or less is provided within ½ mile distance, roadways shall operate at a level of service E (100% of capacity).

* * *

Resolution 2010-48(Amended 07/19/2011 and 08/29/2012) granted the current and active site plan which remains in effect given that the Applicant's current request does not seek to expand enrollment or alter traffic patterns. All conditions of approval applied to those decisions, as guided by the traffic study time dated April 22, 2010 and as supported by peer review remain in effect. Any approval should be further conditioned as provided by the Miami-Dade County's Traffic Engineering Division as provided by their email dated March 17, 2014, and as may be subsequently modified upon their review at time of permitting.

Objective 6.10. Archeological and Historic Resources. Ensure future land development activities incorporate appropriate measures to prevent damage to archaeologically and historically significant resources in the village of Palmetto Bay to the maximum extent feasible.

The Applicant completed a full archaeological study of the property and its conclusion and findings were submitted with this application and accepted by the Miami-Dade County.

Finding: Conditionally consistent as provided above and in the full analysis of this report and as provided for by the Village's traffic engineering consultant and Miami-Dade County's Traffic Engineering Division.

Criteria b: In what respects the plan is or is not in conformance with all applicable regulations of the zoning district in which it is located.

² SW 184 Street is served by mass transit (bus), however the headways exceed 20 minute intervals.

Analysis: Please see Section 1 et.al. of this analysis. The project is subject to review under the Section 30-110 of the Village's Land Development Code as provided above at Section 1 et.al of this analysis. That review found the Applicant's request conditionally consistent with the required development standards proscribed therein. The development complies with all setback, height, parking, lot coverage, landscaping and buffering requirements of the zoning district in which it is situated.

Finding: Conditionally consistent as provided by the Section 1 et.al of this analysis.

Criteria c: In what respects the plan is or is not in conformance with the Village subdivision regulations and all other applicable Village requirements including the design and construction of streets, utility facilities and other essential services.

Analysis: Please see Section 1 et.al of this analysis and Criteria b above. The application is seeking a modification of an existing site plan. There are however no changes to the number of vehicle trips, or students in the modification. Therefore, the traffic study which was completed by the Applicant and reviewed by the Village's traffic consultant and Miami-Dade's Traffic Engineering Department and was found to be acceptable still valid.

Finding: Conditionally consistent as provided by the Section 1 et.al of this analysis.

Criteria d: In what respects the plan is or is not consistent with good design standards in respect to all external relationships including but not limited to:

- i. Relationship to adjoining properties.
- ii. Internal circulation, both vehicular and pedestrian.
- iii. Disposition of open space, use of screening, buffering and/or preservation of existing natural features, including trees.
- iv. Building arrangements between buildings in the proposed development and those adjoining the site.

Analysis: The application is seeking no variances, and all structures on the amended site plan are consistent with the permitted heights and setbacks for the district in which it is located. The project is to be landscaped and the applicant is proposing additional landscaping throughout the property for additional buffering.

Finding: Consistent.

Criteria e: In what respects the plan is or is not in conformance with the Village policy in respect to sufficiency of ownership, guarantee for completion of all required improvements and the guarantee for continued maintenance.