NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 13, that the requested non-use variance of parking requirements (Item #3) and non-use variance of setback requirements (Item #4) be and the same is hereby approved.

BE IT FURTHER RESOLVED, that the modification (Item #1) on a modified basis, be and the same is hereby approved.

BE IT FURTHER RESOLVED, that the modification as approved shall read as follows:

TO: "2. That in the approval of the plan, the same be substantially in accordance with the plan submitted for the hearing entitled 'Palmer Trinity School," as prepared by Corrales Group Architects, consisting of 9 sheets, Sheet A-1 dated 5-28-98, Sheets A-2, A-3, A-5 & A-6, dated 3/17/98, Sheet A-4 dated 4-1-98; Sheets #7, 8 & 9 dated stamped received Feb. 9, 1999 and 'Existing Tree Survey,' as prepared by Hall & Bell, P.A., consisting of 13 sheets and dated June 21, 1998." Except as herein modified to delete the Fine Arts Building (noted as Building #6 on the site plan) and to limit the height of the chapel including the steeple to 35 feet.

BE IT FURTHER RESOLVED, that the application as approved, is subject to the following conditions:

1. That a site plan be submitted to and meet with the approval of the Director upon the submittal of an application for a building permit and/or Certificate of Use and Occupancy; said plan to include among other things but not be limited thereto, location of structure or structures, types, sizes and location of signs, light standards, off-street parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Palmer Trinity School," as prepared by Corrales Group Architects, consisting of 9 sheets, Sheet A-1 dated 5-28-98, Sheets A-2, A-3, A-5 & A-6, dated 3/17/98, Sheet A-4 dated 4-1-98; Sheets #7, 8 & 9 dated stamped received Feb. 9, 1999 and 'Existing Tree Survey,' as prepared by Hall & Bell, P.A., consisting of 13 sheets and dated June 21, 1998." Except as herein modified to delete the Fine Arts Building (noted as Building #6 on the site plan) and to limit the height of the chapel including the steeple to 35 feet.

3. That the use be established and maintained in accordance with the approved plan.

4. That the applicant submit to the Department for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use and Occupancy.

5. That the use be approved and restricted to a maximum of six hundred (600) students.

6. That the applicant obtain a Certificate of Use and Occupancy from (and promptly renew the same annually with) the Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

7. That the landscaping plan shall provide buffering of the science building from the north, west and east property lines.

BE IT FURTHER RESOLVED, that the request to withdraw the non-use variance of zoning regulations (Item #2), be and the same is hereby approved, and said Item is hereby withdrawn without prejudice.

BE IT FURTHER RESOLVED, that all conditions and requirements of Resolutions No. 4-ZAB-177-85 and 4-ZAB-179-88 shall remain in full force and effect except as herein modified.

BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 11th day of March, 1999.

Hearing No. 99-1-CZ13-1
sw

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 16th DAY OF MARCH, 1999.

MIAMI-DADE COUNTY, FLORIDA

MIAMI-DADE

STEPHEN P. CLARK CENTER

DEPARTMENT OF PLANNING AND ZONING
111 NW 1ST STREET
SUITE 1110
MIAMI, FLORIDA 33128-1974
(305) 375-2800
FAX (305) 375-2795

March 16, 1999

Palmer Trinity Private School, Inc.
c/o Anthony J. O'Donnell, Jr., Esq.
Baker & McKenzie
701 Brickell Avenue, Suite 1600
Miami, FL 33131

Re: Hearing No. 99-1-CZ13-1
Location: 7900 S.W 176 Street

Dear Applicant:

Enclosed herewith is Resolution No. CZAB13-2-99, adopted by the Miami-Dade County Community Zoning Appeals Board 13, which permitted the withdrawal of Item #2 and approved the balance of your application on a modified basis on the above described property. Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required.

Once the use has been established, failure to maintain compliance with any of the required conditions will result in the immediate issuance of a civil violation notice for each condition violated. Each ticket issued will require payment of a daily monetary fine in the amount of $500.00.

If there are any anticipated changes from the plan submitted for the hearing, a plot use plan should be submitted to this department in triplicate before any detailed plans are prepared, inasmuch as building permits will not be issued prior to the approval of said plan.

It is necessary that you apply for a Certificate of Use and Occupancy at the Zoning Permits counter on the 12th floor in the Department of Planning and Zoning in order to meet the requirements of the approving resolution. Prior to obtaining a Certificate of Use and Occupancy, all necessary permits must have been applied for and obtained. At time of permit application you must provide a copy of this resolution.

You are hereby advised that the decision of the Community Zoning Appeals Board may be appealed by an aggrieved party to Circuit Court within 30 days of the date of the transmittal of the resolution to the Clerk of the County Commission. You are further advised that in the event that an appropriate appeal is timely filed in the Circuit Court any building permit sought or obtained shall be solely at the risk of the party obtaining said permit.

Sincerely,

Marcy Gordon
Legal Counsel

MG:sw
Enclosures
cc: Team Metro

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Marcy Gordon, as Deputy Clerk and Legal Counsel for the Miami-Dade County Department of Planning and Zoning as designated by Guillermo E. Olmedillo, Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 13, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB13-2-99 adopted by said Community Zoning Appeals Board at its meeting held on the 11th day of March, 1999.

IN WITNESS WHEREOF, I have hereunto set my hand on this 16th day of March, 1999.

Marcy Gordon, Deputy Clerk and Legal Counsel
Miami-Dade County Department of Planning and Zoning

SEAL

F. D. R. Park
Water-Control Engineer

December 10, 1958

Canal Right-of-Way
Cutler Drain 601:53

Chester C. Czabrinski
Assistant Director
Dade County Building & Zoning Dept.

Attached, is a copy of Resolution 2173, adopted by the Board of County Commissioners in connection with the above subject property.

There is no provision in said resolution with reference to the deeding or dedication of any canal on the subject property other than the general requirement 'that no new uses be permitted on the property until such time as a plat of the property has been recorded". The tentative subdivision plan submitted in connection with said hearing does make provision for the canals and, I presume, in accordance with your requirements, since it had been indicated prior to the hearing that the same had been worked out with Mr. Wardlow of your department.

I do not think that Mr. Matheson at anytime obligated himself to this department as to any definite time for the deeding of the canals.

Chester C. Czabrinski

CCC/vd
Attachment
cc: Darrey Davis
County Attorney

E. A. Anderson
R. F. Cook
C. F. Harvey
CCC
File

Village of Palmetto Bay

September 15th, 2008

Ms. Alexandra L. Deas, Esq.
Bilzin Sumberg Baena Price & Axelrod LLP
200 S. Biscayne Boulevard
Suite 2500
Miami, FL 33131-5340

Dear Ms. Deas:

Palmer Trinity Private School, Inc. submitted its re-revised substantial compliance plan as prepared by Corrales Group Architects dated, stamped received August 5th, 2008, along with a Construction Timetable also dated, stamped received August 5th, 2008, for Village review, in response to our previous review dated July 21st, 2008, of an earlier plan dated stamped received June 27th, 2008.

The Department of Planning and Zoning completed its second review related to the substantial compliance request as to zoning resolution CZAB13-2-99, dated March 16th, 1999 and the accompanying master plan dated May 10th, 2000, as detailed in my letter of July 21st, 2008, and hereby makes the following determinations:

- Items numbered B.1., B.2., B.3., B.4., B.6., and B.7. included in the July 21st, 2008 letter of determination are found to be in substantial compliance, as addressed in the Master Plan and Construction Timetable dated August 5th, 2008.

- Item number B.9. may be found in substantial compliance once the condition listed therein has been affirmatively accepted, in writing, by the applicant.

- Item number B.5. remains in non-compliance. The Construction Timetable shall be modified to reflect removal of these trailers within one year.

8950 Southwest 152 Street
Palmetto Bay, FL 33157
(305) 259-1234
Fax: (305) 259-1290

- Item number B.8. remains in non-compliance. The previously approved chapel is no longer indicated on the August 5th, 2008 Master Plan, although the Construction Timetable includes its construction to begin March 31st, 2019. The modular classroom/office structure shown on the August 5th, 2008 Master Plan replacing the chapel is not comparable to the original hearing-related submittal and approval.

- The recreational facilities shown on the hearing approved master plan, tennis and basketball courts, have been reduced in number, contrary to paragraph 5, page 2, of the June 15th, 1987, revised substantial compliance guidelines attached.

- Clarification on the original intent and purpose of the pool house is required (refer to paragraph 5, page 2, of the June 15th, 1987, revised substantial compliance guidelines attached).

- The location of the western perimeter wall/fence, along SW 80th Avenue, is shown to be located within the required dedicated 25' right-of-way. The denoted wall/fence must be relocated 25' east, outside of the road dedication area.

The Village reserves the right to revise these findings and determinations. Once substantial compliance is fully established for all components indicated on the master plan(s) and cited in resolution no. CZAB13-299, failure to maintain compliance with any of the required conditions will result in the immediate issuance of a civil violation notice for each condition violated. Each ticket issued will require payment of a daily monetary fine in the amount of $500.00. Further, all conditions and requirements of pertinent resolutions shall remain in full force and effect except as herein modified.

Sincerely,

Arleen R. Weintraub

Arleen R. Weintraub
Director, Department of Planning & Zoning

Enclosure: Substantial compliance guidelines

c: Eve Boutsis, Village Attorney
Sean Murphy, Palmer Trinity Private School, Inc.
Stanley B. Price, Bilzen Sumberg Baena Price & Axelrod LLP

RESOLUTION NO. 2010-48

ZONING APPLICATION VPB 07-012-B

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; APPROVING WITH CONDITIONS THE APPLICATION OF PALMER TRINITY PRIVATE SCHOOL, LOCATED AT 7900 SW 176TH STREET THROUGH 8001 SW 184TH STREET; APPROVING WITH CONDITIONS THE SPECIAL EXCEPTION REQUEST TO EXPAND THE SCHOOL TO INCLUDE AN ADDITIONAL 32.2 ACRES, AND AN ADDITIONAL 300 STUDENTS (REQUEST TO INCREASE ENROLLMENT BY 550 STUDENTS DENIED) AS PROVIDED FOR UNDER 33-151, ET SEQ., OF THE COUNTY CODE; AND PURSUANT TO SECTION 33-311 OF THE MIAMI-DADE COUNTY CODE FOR A SITE PLAN MODIFICATION ON PROPERTY ZONED E-M, LOCATED IN PALMETTO BAY, FLORIDA; PROVIDING AN EFFECTIVE DATE.

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

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

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

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

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

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

WHEREAS, all variance requests have been withdrawn; and,

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

WHEREAS, the Mayor and Village Council find, based upon substantial competent evidence in the record, that the application pursuant to section 33-151, et seq, and 33-311, of the Miami-Dade County Code, as adopted by the Village 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, based on the foregoing finding, the Mayor and Village Council determined to **grant** the application, as amended (modified/conditioned) by Council Action, and reduced the student population to 900 students, 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 hearing on the present application was held on May 4, 2010 in accordance with the Village's "Quasi-judicial hearing procedures" Ordinance, found at 2-105, of the Village's Code of Ordinances. Pursuant to the hearing, the Mayor and Village Council make the following findings of fact, and conclusions of law.

Section 2. Findings of fact.

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

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

Page 38, line 10 – 1999 hearing Transcript:

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

Page 57, line 14 – 1999 hearing Transcript:

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

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

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

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

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

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

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