The initial 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. The Circuit Court, upon the first tiered appeal via a petition for certiorari ruled, without opinion, that the Village's actions were proper. Thereafter, the district boundary change, rezoning item was ruled upon, during a second tiered appeal, by the Third District Court of Appeal on March 24, 2010, finding reversible error. Based upon the foregoing ruling, 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.

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

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

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

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

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

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

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

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

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

The Council held a public hearing and many residents and community members spoke both in favor and in opposition to the application. The Council heard testimony relating to traffic, noise, number of students, field usage and affects of that usage, environmental concerns, and other topics. The Council incorporates by reference the minutes, audio tape, and transcript (if transcribed) into its findings of fact.

Section 3. Conclusions of law.

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

2. The standard of review for a special exception is found at 33-151, et seq., of the Miami-Dade County Code. The Applicant's request for a special exception to expand onto 8001 SW 184th Street and to increase the number of students from 600 to 1150 **is not** in compliance

with the applicable standards. However, the Applicant's request for a special exception to expand onto 8001 SW 184th Street from 7900 SW 176th Street and to increase the number of students from 600 to 900 **is** in compliance with the applicable standards. The Village Council found the appropriate number of students for expansion to be 900, and provided the conditions delineated below to also be implemented.

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

Section 4. Order.

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

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

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

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

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

4. Preliminary Conditions:

4.1 The Applicant shall execute a unity of title document to be recorded in the public records of Miami-Dade County, which unity of title shall covenant (or provide a covenant in lieu of unity of title) the property holder(s) to join the parcels together [7900 SW 176th Street and 8001 SW 184th Street] as one parcel, in a form approved by the Village Attorney, consistent with

the requirements of the Village's Land Development Code[2]. The covenant shall be in final form for recording within 45 days of final approval. No permits shall issue until the covenant/unity of title is recorded.

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

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

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

4.5 Student Enrollment Defined and Reporting. Applicant shall not exceed 900 students in enrollment. Applicant agrees to submit an executed affidavit from the Headmaster of the School each year to the Village Manager, within 30 days of the first day of the applicable school year, identifying the number of students enrolled for the academic school year and attesting the number of students enrolled in the school. This information shall be provided to the Village, annually, for as long as a school is located on the site. Applicant agrees and acknowledges that the "maximum number of students" shall mean the actual number of students enrolled at the school as reported to the State of Florida and the Florida Council of Independent Schools and shall not be the daily average attendance, nor exclude any students that may be traveling/studying abroad. The Applicant shall provide a copy of the FCIS to the Village once it becomes available. The maximum number of students shall include all student transfers during the school year. Any increase in students enrolled at the school after the initial annual enrollment is disclosed shall be reported to the Village within five (5) business days of the event.

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

4.7 Student expansion shall comply with the timetable provided, attached hereto as Exhibit "C" [formerly Exhibit 7 to the 5-4-2010 hearing item PH –VPB- 07-012B] to this

[2] 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.

resolution, but modify the timetable to reflect the number of students approved herein at Section 4.4. Instead of having the increase of 300 students by year eight of the Exhibit "C", there would be an increase of 300 students by the earliest of year 15 under Exhibit "C."

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

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

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

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

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

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

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

5. Pre Construction – Construction – Build Out Conditions:

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

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

5.3 Construction Staging:

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

5.3.2 Construction staging shall take place as preapproved by the Village's Planning & Zoning and Building Directors, on the property known as 8001 SW 184th Street, where possible, toward the center of the property, away from the proposed 75 foot buffers.

5.3.3 Construction trailers for staging area are permitted under the Village's Code.

5.3.4 The staging area may be cleared during Phase 1 of the construction plan.

5.3.5 Construction shall comply with the noise controls provided in the Village's Code of Ordinances, section 30-60.29.

5.3.6 The driveway area may also be cleared during Phase 1.

5.3.7 Access points by construction vehicles shall be identified as part of the Construction Plan for Village approval. No construction vehicle shall access through the neighborhood. Unless necessary for a specific item, no construction vehicles shall access through SW 176th Street. All other construction vehicles must use the SW 184th Street once that entrance is constructed under the Phase 1 Construction Plan.

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

5.5 Construction Air Quality Management Plan. The Applicant shall provide a Construction Air Quality Management Plan on the construction drawings that, at a minimum, includes protecting ducts during construction and changing the filters and vacuuming ducts prior to occupancy. The submitted plans must note compliance with this provision.

5.6 MOT Plan. A construction and Maintenance of Traffic (MOT) Plan shall be provided to the Building and Public Works Departments for approval.

5.7 The Applicant shall comply with the Village's demolition and construction fencing ordinance.

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

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

5.10 The existing portable classrooms trailers located along the western edge of 7900 SW 176th Street shall be eliminated as soon as replacement facilities are constructed, and within 18 months after final zoning approval. One extension of time, not to exceed six (6) months, may be granted by the Planning & Zoning Director, upon a showing of good cause. "Good cause" would include timely request for permits, submitting for inspections and reviews, diligent efforts to adhere to the construction schedule, and force majeure type events (weather delays or civil unrest).

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

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

6. Athletic Fields and Amenities:

6.1 The Applicant shall not use the athletic fields for commercial purposes such as renting, leasing, or allowing third-parties unaffiliated with the operation of the school (no third-party organizations or groups) to use the recreational facilities. Applicant shall annually provide

proof of existing division-type play, tournaments, organized sports and uses of its facilities to the Village. Prior to the beginning of each season, for each sport, the Applicant shall provide the Village with a list of proposed events – tournaments and league play.

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

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

6.4 No bleachers shall be located adjacent to the eastern and western buffers of 7900 SW 176th Street and 8001 SW 184th Street. Adjacent shall mean not within 20 feet of the buffers.

6.5 The Applicant shall provide fencing for the tennis center.

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

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

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

7. Landscaping:

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

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

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

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

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

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

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

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

7.9 The Applicant shall install additional oaks and planting materials on the northwest perimeter of buildings no. 16 and 18 in order to provide additional screening to the adjacent

neighborhood located on the western boundary of the property. The Applicant is to provide two (2) native trees and a cluster of palms.

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

7.11 The Applicant shall prohibit parking by faculty, visitors, and students on the rights-of-way bordering the school by planting and maintaining landscaping along the rights-of-way in accordance with Village requirements. The Applicant shall work with the Village and County to install "No Parking" signs for the right-of-way along SW 176th Street and SW 184th Street.

7.12 Applicant shall maintain the areas identified herein as "buffer" and shall be required to perpetually maintain the landscaping within the buffer with the identified native species and other plantings provided in the landscape plan. At no point shall structures be constructed within the buffer area. The buffer shall consist of the 75 foot set aside along the east, west and southern perimeters of 8001 SW 184th Street; and the 50 foot set aside along the east, west, and northern perimeters of 7900 SW 176th Street.

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

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

8. Traffic:

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

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

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

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

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

8.6 If either the 1370 trip daily volume or 960 combined trip volume peak thresholds are violated, the Applicant will be notified in writing and be required to enact measures to bring the traffic volumes into compliance. To do so, the Village will require the school to propose at least three (3) imitative measures that would be enacted should the situation arise. Some of the mitigation measures that could be considered are color coded decal system (see condition 8.4); limiting access to/from SW 176th Street to the east only; license plate numbers entrance assignment; lottery assignment; controls/prohibitions/signing; and, closing internal roads so driveway entered must be exited. If the corrective action is not implemented within three (3) weeks of the school being noticed of the violation, the Village will require the entrance be closed until corrective action is implemented by the school. The Village will then verify that the actions to correct the violation are working through additional Village traffic counts paid for by the School.

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

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

8.9 The SW 176th Street entrance shall be closed at 7:00 p.m. everyday.

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

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

(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) Provide one off–duty police officer at each driveway during morning drop-off and afternoon pick-up periods to monitor/control traffic.

8.12 Applicant shall be responsible for all expenses relating to traffic control, police involvement, and police participation in traffic movements (the traffic plan). The traffic plan relating to the daily school use and/or for any special events at the school for the roadways shall

be subject to approval of Village Police Department and Village Police Officers are to be hired by and paid for by Applicant to manage traffic at entrance(s) to school and off-site locations affected by traffic conditions.

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

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

8.15 Applicant shall comply with the "safe routes to school" requirements of 1006.23, Florida Statutes.

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

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

8.18 As part of Phase I, per exhibit D, the Applicant shall complete the turning lanes at the new SW 184th Street entrance.

9. Parking Related Conditions

9.1 Comply with condition 7.11 relating to precluding right-of-way (ROW) parking. Cross-reference with section 7.9, above.

9.2 No parking of vehicles in any of the interior buffers to the property (7900 SW 176th Street or 8001 SW 184th Street).

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

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

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

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

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

9.8 A continuous hedge shall be incorporated around all parking areas and shall meet all requirements of Chapter 18A, subsections (I) and (J).

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

10. Lighting & Energy:

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

10.2 Applicant shall install and maintain parking area light fixtures which project the light rays directly to the parking 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. Outdoor parking lot area light fixtures shall not cast more than 1/2 ft. candle at the property line.

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

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

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

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

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

11. Noise:

11.1 Noise emanating from athletic fields and bleachers shall not generate a direct sound pressure level in excess of 65 decibels at the school's boundaries, as provided under the Village's Code Section 30-60.29, as may be amended. The Village will notify the school and the Community Relations Committee of any violations of the noise ordinance. The Village and Applicant will immediately work together to develop corrective action(s). If the corrective action(s) is/are not implemented within three (3) weeks of its adoption, the Village will require that all after-hours field activities be temporarily postponed until the corrective actions are implemented by the school.

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

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

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

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

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

12. Environmental:

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

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

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

13. Operations.

13.1 Service and delivery vehicles, including 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]. Saturday deliveries would be allowed from 10:00 a.m. to 1:00 p.m. Service and delivery vehicles shall use the SW 184th Street entrance. This requirement shall be implemented upon the construction of the SW 184th Street entrance.

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

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

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

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

14. Structures.

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