

14.2 In addition, along the 110 foot setback portion of Buildings 16 and 18, there should be a colonnade or arcade, with first floor roof-like structure, to break-up the monolithic volume.

14.3 In compliance with section 7.12, Live Oak trees, or other equivalent type trees, with an overall size of 16 feet in height, should be planted along the remaining east side of Building 18 and along the remaining west side of Building 16, every 20 feet on-center for the length of the structures (area not covered by the first floor roof-like arcade structured area). The 16 foot trees should be root pruned to encourage their ability to survive the shock of planting.

15. Enforcement.

15.1 Non compliance with the approved site plan shall result in the denial of future permits and may result in a daily fine, per violation, as provided under section 15.2, below.

15.2 A violation of any of the development approvals and/or conditions of the Village Council will result in a \$500.00 a day fine, per violation. The Village shall provide Applicant with a reasonable period of time to cure. The Applicant is entitled to an appeal of the notice of civil citation pursuant to the procedures for the Village Special Magistrate, found at section 2-205 of the Village's Code.

15.3 Cross-reference with specific enforcement provisions relating to section 4.6 as to student population and removal of portables under section 5.11.

15.4 Authorization for the Village of Palmetto Bay to Withhold Permits and Inspections. In the event the terms herein are not being complied with, in addition to any other remedies available, the Village is authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as the conditions contained herein are complied with. The Village shall provide Applicant with a reasonable notice to cure period. The Applicant may follow the procedures for the Village Special Magistrate regarding any appeal.

15.5 Cross-reference with section 11.6.

This is a final order.

Section 5. Record.

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

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

PASSED and ADOPTED this 4th day of May, 2010. (Executed May 11th, 2010)

Attest: 
Meighan Rader
Village Clerk


Eugene P. Flinn, Jr.
Mayor

APPROVED AS TO FORM:


Eve A. Boutsis,
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Ed Feller	<u>YES</u>
Council Member Howard J. Tendrich	<u>YES</u>
Council Member Shelley Stanczyk	<u>NO</u>
Vice-Mayor Brian W. Pariser	<u>YES</u>
Mayor Eugene P. Flinn, Jr.	<u>NO</u>

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

RESOLUTION NO 2011-53

ZONING APPLICATION VPB 07-012-B

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; ON REMAND FROM THE 11TH JUDICIAL CIRCUIT AFTER THE ISSUANCE OF THE MANDATE FROM THE CIRCUIT COURT'S ORDER OF FEBRUARY 11, 2011, IN THAT ACTION ENTITLED PALMER TRINITY V. VILLAGE OF PALMETTO BAY UNDER APPELLATE CASE NO: 10-259 AP; AMENDING RESOLUTION 2010-48, RELATING TO THE SPECIAL EXCEPTION AND A SITE PLAN MODIFICATION ON PROPERTY ZONED E-M; LOCATED IN PALMETTO BAY, FLORIDA; PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Florida 11th Judicial Circuit, Appellate Panel, on February 11, 2011, granted the certiorari petitioner filed by Palmer Trinity Private School. The Panel quashed the two conditions in the Village's May 4, 2010 zoning resolution. The Court found:

That Condition 4.4 "which contained the 30 year prohibition" "operates as an out right ban on Palmer Trinity's ability to even ask for additional development approvals. Accordingly, the Court holds that the provision in Condition 4.4 of the Resolution, which not only prohibits development, but even applications for development, for the next 30 years constitutes a departure from the essential requirements of law and should be quashed."

As to the second condition, related to the number of students, 900, the Court found that the "900 Student Cap on Enrollment" should be quashed, as there was "no competent substantial basis for the 900 student cap on enrollment. Accordingly, this Court holds that the 900 student cap is not supported by competent substantial evidence."

WHEREAS, the Court, on March 3, 2011 issued the mandate commanding the Village to hold "such further proceedings in accordance with the opinion of this Court [per the February 22, 2011 order]"; and,

WHEREAS, on April 12, 2011, Palmer Trinity filed its motion to enforce the Court's mandate, as to the two quashed conditions of the May 4, 2010 resolution; and,

WHEREAS, on May 6, 2011, the Court granted Palmer Trinity's motion to enforce mandate, without opinion; and,

WHEREAS, subsequently, the Village filed a motion for clarification as to the order enforcing mandate, asking for direction as to the Appellate Panel's direction to hold "further proceedings;" and,

1 **WHEREAS**, On June 3, 2011, the Appellate panel responded to the Village's motion for
2 clarification stating:
3

4 "[T]he Court finds that the original opinion in this matter issued February 11, 2011 is
5 clear and unambiguous. The Village of Palmetto Bay shall forthwith commence the
6 required proceedings to remove the two quashed conditions from the Resolution or
7 otherwise render those conditions ineffectual and take no further action that would
8 be inconsistent with the Court's prior Order of May 5, 2011 and this Order."
9

10 and

11
12 **WHEREAS**, based upon the foregoing direction of the Appellate Panel solely the two
13 conditions appealed and quashed are to be reviewed by the Village Council. The Appellate Court
14 quashed the Village's two conditions: (1) the 30 year development covenant prohibition and (2) the
15 900 cap on the number of students; and;
16

17 **WHEREAS**, on July 12, 2011, Applicant filed a "Renewed, Emergency Motion To Enforce
18 Mandate, or Alternatively, To Enjoin And Prohibit Respondent from Violating the Express
19 Mandate of the Court;" and,
20

21 **WHEREAS**, on July 15th, the Village filed its opposition to Applicant's "Emergency"
22 motion; and;
23

24 **WHEREAS**, the Appellate Panel, on July 18, 2011, the Appellate Panel denied Applicant's
25 "Emergency" motion, in its entirety, without opinion; and,
26

27 **WHEREAS**, the Village properly noticed, and adhered to its procedural requirements for
28 public hearings, and held the public hearing on July 19, 2011, at Christ Fellowship Church, on the
29 issued of the remanded special exception application, relating to the two appealed items so that the
30 Village Council could take action on the amendment of Resolution VPB 2010-48; and,
31

32 **WHEREAS**, the Village Attorney provided direction to the Council and delineated the
33 zoning and appellate litigation history of the application; and;
34

35 **WHEREAS**, the Village's Planning Director presented the staff report that recommended
36 the Village Council remove the conditions as to the 30 year development covenant and the 900
37 student enrollment cap; and,
38

39 **WHEREAS**, counsel for Applicant and counsel for CCOCI, Betty Pegram and Stanley
40 Kaplan made argument during the hearing of July 19th, 2011; and,
41

42 **WHEREAS**, the Village Council did not take additional evidence; and
43

1
2 **WHEREAS**, Mr. Price and Mr. Gibbs both agreed to not present additional evidence; and,
3

4 **WHEREAS**, Mr. Price specifically, on the record, waived any objection as to the disclosures
5 made by Ms. Lindsay during the July 19, 2011 hearing; and,
6

7 **WHEREAS**, the public hearing was opened and one resident spoke; and,
8

9 **WHEREAS**, the Council voted consistent with the Court ruling.
10

11 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE**
12 **COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**
13

14 **Section 1.** Resolution 2010-48 is hereby attached and incorporated into this Resolution
15 and is so amended, striking those portions which refer to the thirty year development covenant that
16 prohibits the applicant from requesting any future site plan modifications and/or special exceptions
17 for the properties identified as 7900 SW 176 Street and 8100 SW 184 Street, and all language
18 approving or referencing a student enrollment of 900.
19

20 Council Person Lindsay made a motion to amend resolution 2010-48 per the 11th Judicial Circuit
21 Court's order, which quashed the conditions imposing a 30-year prohibition on any future
22 development and establishing a 900 student cap on enrollment, and to delete all references to those
23 quashed conditions in resolution 2010-48 and take no further action. Seconded by Vice Mayor
24 Pariser. Motion carried on roll call – 5 to 0.
25

26 **Section 2.** This is a final order to amend Resolution 2010-48 only as provided under
27 Section 1 herein. All other terms and conditions, findings of fact, conclusions of law from
28 Resolution 2010-48, and all other conditions of that resolution remain in full force and effect.
29

30 **Section 3.** Record.

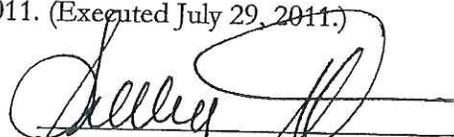
31 The record shall consist of the notice of hearing, the applications, documents submitted by
32 the applicant and the applicant's representatives to the Village of Palmetto Bay Department of
33 Planning and Zoning in connection with the applications, the Village recommendation and attached
34 cover sheet and documents, the testimony of sworn witnesses and documents presented at the
35 quasi-judicial hearing, and the tape and minutes of the hearing. The record shall be maintained by
36 the Village Clerk.
37

38 **Section 4.** This resolution shall take effect immediately upon approval.

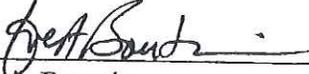
39 PASSED and ADOPTED this 19th day of July, 2011. (Executed July 29, 2011.)

40
41 Attest:

42 
43 Meighan Alexander
Village Clerk

44 
45 Shelley Stanczyk
Mayor

1
2
3 APPROVED AS TO FORM:

4 
5 _____
6 Eve A. Boutsis
7 Village Attorney
8
9

10
11 FINAL VOTE AT ADOPTION:

- 12
13 Council Member Patrick Fiore YES
14
15 Council Member Howard Tendrich YES
16
17 Council Member Joan Lindsay YES
18
19 Vice-Mayor Brian W. Pariser YES
20
21 Mayor Shelley Stanczyk YES
22

1 | RESOLUTION NO. 2010-48 (AMENDED 07/19/2011)

2 |
3 | ZONING APPLICATION VPB 07-012-B
4 |

5 | A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE
6 | VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING;
7 | APPROVING WITH CONDITIONS THE APPLICATION OF PALMER
8 | TRINITY PRIVATE SCHOOL, LOCATED AT 7900 SW 176TH STREET
9 | THROUGH 8001 SW 184TH STREET; APPROVING WITH CONDITIONS
10 | THE SPECIAL EXEPTION REQUEST TO EXPAND THE SCHOOL TO
11 | INCUDE AN ADDITIONAL 32.2 ACRES, AND AN ADDITIONAL ~~300~~
12 | ~~STUDENTS~~ (REQUEST TO INCREASE ENROLLMENT BY 550
13 | STUDENTS DENIED) AS PROVIDED FOR UNDER 33-151, ET SEQ., OF
14 | THE COUNTY CODE; AND PURSUANT TO SECTION 33-311 OF THE
15 | MIAMI-DADE COUNTY CODE FOR A SITE PLAN MODIFICATION ON
16 | PROPERTY ZONED E-M, LOCATED IN PALMETTO BAY, FLORIDA;
17 | PROVIDING AN EFFECTIVE DATE.
18 |
19 |

20 | WHEREAS, in 2006 the applicant made an application for (1) a rezoning of 8001 SW
21 | 184th Street from AG and E-2 to E-M; (2) a special exception to expand the existing private
22 | school located at 7900 SW 176th Street with 600 students, onto the adjacent property known as
23 | 8001 SW 184th Street with 32.2 acres, and 1400 students; (3) a site plan modification of the
24 | approved 1999 plan for 7900 SW 176th Street to include the elements under request (2); (4) a
25 | non-use variance of height limitations on the gymnasium performing arts center and chapel to
26 | allow structures over 56 feet, where 35 feet is permitted; (5) a non-use variance to allow three
27 | stories for an administrative building, where two stories is permitted; and (6) a non-use variance
28 | to allow parking on natural terrain. This application is described in the Village's Department of
29 | Planning and Zoning Recommendation from 2008, as issued by Ms. Arleen Weintraub, the then
30 | Planning & Zoning Director, to the Village of Palmetto Bay; and,
31 |

32 | WHEREAS, hearings were held on February 25, 2008, and April 14, 2008, at which time
33 | the Applicant's rezoning request was denied, and the remainder of their requests were not ruled
34 | upon; and,
35 |

36 | WHEREAS, the district boundary change, rezoning item was ruled upon by the Third
37 | District Court of Appeal on March 24, 2010, finding reversible error, and,
38 |

39 | WHEREAS, the district boundary request was heard and ruled upon separately by the
40 | Mayor and Village Council on April 29, 2010 and May 4, 2010. Ordinance 2010-09 was
41 | adopted, rezoning the property known as 8001 SW 184th Street from AG and E-2 to E-M; and,
42 |

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

1
2 WHEREAS, the modified plan provided for (1) a special exception to expand onto 8001
3 SW 184th Street with an increase in student population of 1150 (reduced from the original 1400
4 request); and a site plan modification; and,
5

6 WHEREAS, all variance requests have been withdrawn; and,
7

8 WHEREAS, the Village Council of the Village of Palmetto Bay conducted a quasi-
9 judicial hearing on the application at Christ Fellowship Church on May 4, 2010; and,
10

11 WHEREAS, the Mayor and Village Council find, based upon substantial competent
12 evidence in the record, that the application pursuant to section 33-151, et seq, and 33-311, of the
13 Miami-Dade County Code, as adopted by the Village relating to the above requests, and as
14 amended by Council Action, is consistent with the Village's Comprehensive Plan and the
15 applicable land development regulations; and,
16

17
18 ~~WHEREAS, based on the foregoing finding, the Mayor and Village Council determined~~
19 ~~to grant the application, as amended (modified/conditioned) by Council Action, and reduced the~~
20 ~~student population to 900 students, as provided in this resolution.~~
21

22 NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE
23 COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:
24

25 Section 1. A hearing on the present application was held on May 4, 2010 in
26 accordance with the Village's "Quasi-judicial hearing procedures" Ordinance, found at 2-105, of
27 the Village's Code of Ordinances. Pursuant to the hearing, the Mayor and Village Council make
28 the following findings of fact, and conclusions of law.
29

30 Section 2. Findings of fact.

31 The subject property is located at 7900 SW 176TH Street and 8001 SW 184th Street, Palmetto
32 Bay, Florida.
33

34 In 1999, the Applicant sought a site plan modification for 7900 SW 184⁷⁶th Street. During that
35 hearing, a transcript was made. During the May 4, 2010 hearing, Applicant's Counsel asserted
36 that the 1999 transcript is part of the record for the May 4, 2010 hearing. He advised that
37 Applicant read the transcript and that there were no commitments made at a public hearing to
38 limit the school to 600 students. During the May 4, 2010 hearing, the Vice Mayor read from the
39 1999 transcript as follows:
40

41 Page 38, line 10 – 1999 hearing Transcript:
42

1 Mr. O'Donnell (then counsel for Applicant): And our 600 student body is
2 something that may or may not be achieved, but that is the maximum, depending
3 on the year and depending on who accepts it and that sort of thing.
4

5 Page 57, line 14 – 1999 hearing Transcript:
6

7 Mr. O'Donnell: I really would like to say, our contributions, if you look at the
8 right-of-way, the hundreds of thousands of dollars that we have spent on the right-
9 of-way along 176 Street on the landscaping of that road, you have to come to our
10 campus to understand that we are committed to our mission. And we are not
11 attempting to achieve any more development than the 600 students, at the
12 maximum that we have now, on this campus. That is our mission. We have spent
13 two years developing that mission. We have no intention of altering that mission.
14
15

16 In 2006, the applicant filed an application for a special exception for the expansion of a private
17 school to increase the enrollment from 600 to 1,150 students. The "original" plan from the 2008
18 hearings was based upon the 2006 application. The 2008 plan proposed 1,400 students on 55
19 acres (from 22.5 acres). The expansion plan proposed one of two alternatives – either (1) an
20 expansion of students to include grammar school children - kindergarten through grade 5 and
21 increase the enrollment of students in grades 6 through 12; or, (2) solely an increase in middle
22 school and high school students (grades 6-12). The April 19, 2010, plan reflected removal of the
23 daycare and preschool components. In either proposal, the total number of students has been
24 voluntarily reduced by the Applicant from 1,400, which had been presented in the 2008
25 application, to a total of 1,150 students.
26

27 Additionally, the Applicant sought a site plan modification. The Applicant submitted a master
28 plan, which has been revised since its original submittal¹. The final site plan reviewed by
29 Council was dated April 19, 2010, and provided for the future use of the entire 55 acre site as a
30 private school and includes its long-range plan for the school's expansion. Accordingly, the
31 Applicant requested a modification of a previously approved site plan, via resolution C-ZAB-
32 132-99, to reflect their vision for the school.
33

34 The 2008 application contained a request for a non-use variance of parking requirements to
35 permit parking on natural terrain, where not permitted. This request was eliminated and
36 withdrawn from the modified site plan dated April 19, 2010.
37

38 The original 2008 application contained variance requests for height and number of stories to
39 allow a maximum height of 50'-7" for certain proposed new buildings to include a chapel, a
40 performing arts center, a library/media center/administration building and a gymnasium where
41 35 ft. is permitted, as well as to allow three (3) stories where two (2) is permitted for the

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.

1 library/media center/administration multi-purpose building. These requests were eliminated and
2 withdrawn from the April 19, 2010 plan.
3

4 The 2008 plan included a steeple up to 70 feet in height. No variance was required for the
5 steeple, as it would have been permitted as of right. The Applicant voluntarily withdrew its
6 request for a steeple/church tower.
7

8 The initial hearings were held on February 25, 2008, and April 14, 2008, at which time the
9 Applicant's rezoning request was denied, and the remainder of their requests were not ruled
10 upon. The Circuit Court, upon the first tiered appeal via a petition for certiorari ruled, without
11 opinion, that the Village's actions were proper. Thereafter, the district boundary change,
12 rezoning item was ruled upon, during a second tiered appeal, by the Third District Court of
13 Appeal on March 24, 2010, finding reversible error. Based upon the foregoing ruling, the district
14 boundary request was heard and ruled upon separately by the Mayor and Village Council on
15 April 29, 2010 and May 4, 2010. Ordinance 2010-09 was adopted, rezoning the property known
16 as 8001 SW 184th Street from AG and E-2 to E-M.
17

18 The Applicant's property is comprised of a 55-acre parcel of land, that was previously zoned
19 under three (3) different zoning classifications (AG, E-2, and E-M), and is surrounded by the
20 Estate-Modified Single-Family zoning district. Prior to hearing the application for special
21 exception and site plan modification, the Applicant requested that the 32.22 acres property
22 bearing address 8001 SW 184th Street be rezoned from AG and E-2 to E-M. On May 4, 2010,
23 prior to ruling on the Applicant's requests under PH-VPB 07-012-B, the Village Council rezoned
24 8001 SW 184th Street to E-M.
25

26 The Town of Cutler Bay is located to the south. The 8001 SW 184th Street property adjoins the
27 northern parcel zoned E-M, also owned by the Applicant that bears the address 7900 SW 176th
28 Street. Except for the Applicant's private school to the north, and Bill Sadowski Park bordering
29 the northeastern portion of the Applicant's property, the surrounding neighborhood is
30 characterized predominantly by detached single-family homes. Canals are located to the west
31 (between SW 84th Avenue and SW 83rd Court) and north (between SW 173 Terrace and SW
32 175th Street). To the east of the property is Old Cutler Road. To the south of the property is SW
33 184th Street (Eureka Drive). The canals and roadways serve as immediate natural borders for the
34 residential neighborhood surrounding the Applicant's subject property and school. The lots
35 immediately to the east and west along the southern edge of the subject property on S.W. 184th
36 Street are zoned E-1, Single-Family and are comprised of single-family homes. To the east and
37 along Old Cutler Road there is a church, a pre-school and kindergarten, Village Library, VMU
38 (Village Mixed-Use) District, and both E-1 and E-M Zoning Districts.
39

40 Planning and Zoning staff found the scale, utilization, location of buildings, height of buildings,
41 landscaping, open space, and buffering, are acceptable. Staff recommended conditions as to
42 certain elements, including as it relates to compatibility, access, parking circulation/layout, and
43 visibility/visual layout. Signage is governed under the County Code, Section 33-100.
44

1 DERM had no objections, subject to conditions stated in their report. Miami-Dade Public Works
2 Department raised issues and stated their objections in their report and those objections have
3 been addressed by Applicant. The Village's Traffic Consultant, The Corradino Group, has
4 issued recommendations that are incorporated by reference by staff as conditions to approval of
5 the application. The Miami-Dade County Parks & Recreation department issued objections
6 relating to the Bill Sadowski Park and those comments are incorporated by reference. Fire
7 Rescue's report is also incorporated by reference. The Miami-Dade Police Department (Village
8 Policing Unit) has no objections.
9

10 In 2008, the site was found to have code violations and corrective action was undertaken by
11 Applicant. The sole item remaining to come into compliance is the removal of the two (2)
12 portable classrooms that were to be removed according to the year 2000 substantial compliance
13 review. The portables were not removed. In 2008-9, Applicant sought a second substantial
14 compliance review, which proposed a timetable for bringing the portables into compliance by
15 constructing one of the structures from the 1999 plan and then eliminating the portables.
16 Thereafter, Applicant sought a construction permit in 2009 to begin construction on the 1999
17 approved structure. However, the permit was not processed due to the Village's one (1) year
18 construction moratorium implemented in order to enact the Village's Land Development Code.
19

20 The Miami-Dade County Archeological and Historical Department has requested a survey
21 during phase 1, as archeological artifacts have been discovered in the Bill Sadowski Park.
22

23 The Planning and Zoning Staff Analysis Report is incorporated by reference herein, as part of the
24 factual record for the Village Council's decision as Exhibit A to this resolution.
25

26 The Council heard testimony from Mr. Julian Perez, the Village's Planning & Zoning Director;
27 Mr. Joe Corradino, of Corradino Consulting Group, the Village's traffic consultant; Mark
28 Alvarez, a planner representing a citizens group, Concerned Citizens of Old Cutler Inc.
29 (CCOCI); Jack Luft, a planner representing applicant; Mr. Timothy Plummer, of David Plummer
30 & Associates, Inc. a Traffic Engineer/Consultant for Applicant; and, Mr. Don Washburn, of
31 Audio Bug, Inc., an audio expert for Applicant.
32

33 Prior to Council deliberation and action Counsel for Applicant advised that it accepted all
34 conditions of staff minus: 4.3, 4.4, 4.14, and 7.3. As to conditions 4.1 and 4.4 Counsel agreed to
35 no increase in student population above 1150 for 30 years but requested the right to increase
36 structures, lot coverage or intensity of uses. Applicant's counsel agreed to Phase 1 construction
37 to include improvements to SW 184th Street. Mr. Price argued that the berm requirement and
38 contiguous use of the walking and maintenance paths, found at condition 7.3 was inconsistent
39 with the landscape plans proposed and inappropriate. He also requested that condition 8.9 of
40 staff's recommendations relating to the use of the SW 176th Street entrance be modified so that
41 the entrance could remain open after proposed hours for four events per school year.
42

43 The Council held a public hearing and many residents and community members spoke both in
44 favor and in opposition to the application. The Council heard testimony relating to traffic, noise,
45 number of students, field usage and affects of that usage, environmental concerns, and other

1 topics. The Council incorporates by reference the minutes, audio tape, and transcript (if
2 transcribed) into its findings of fact.
3

4 Section 3. Conclusions of law.

5 1. The Application is in compliance with the adopted 2005 Village of Palmetto Bay
6 Comprehensive Plan and Future Land Use Map.
7

8 ~~2. The standard of review for a special exception is found at 33-151, et seq., of the~~
9 ~~Miami-Dade County Code. The Applicant's request for a special exception to expand onto 8001~~
10 ~~SW 184th Street and to increase the number of students from 600 to 1150 is not in compliance~~
11 ~~with the applicable standards. However, the Applicant's request for a special exception to~~
12 ~~expand onto 8001 SW 184th Street from 7900 SW 176th Street, and to increase the number of~~
13 ~~students from 600 to 900 is in compliance with the applicable standards. The Village Council~~
14 ~~found the appropriate number of students for expansion to be 900, and provided the conditions~~
15 ~~delineated below to also be implemented.~~
16

17
18 3. The standard of review for a site plan modification is found at section 33-311(A)(7), of
19 the Miami-Dade County Code. The Applicant's request for site plan modification is in
20 compliance with the applicable standards, as amended below.
21

22 Section 4. Order.

23
24 A. The Council, pursuant to Section 33-311(A)(7), and 33-151, et seq., of the Miami-
25 Dade County Code as applied by the Village, approves with conditions and modifications the
26 Applicant's requests for a special exception and site plan modification for school use and ;
27 ~~expansion, and number of students~~ as to the plans entitled Palmer Trinity Private School Campus
28 Master Plan as prepared by Duany Plater-Zyberk & Co., consisting of 36 sheets, dated stamped
29 received November 1, 2007, as revised by the plans entitled Palmer Trinity Private School
30 Campus Master Plan as prepared by Duany Plater-Zyberk & Co., consisting of 48 sheets, dated
31 stamped received April 19, 2010. The April 19, 2010 plans are incorporated by reference as
32 Exhibit B to this resolution [formerly Exhibit 1 to the 5-4-2010 hearing item PH -VPB- 07-
33 012B].
34

35 B. The Village Council conditions/modifies the site approval/special exception as
36 follows:
37

38 1. All variance requests from the 2008 plans are specifically recognized as
39 withdrawn. This includes all height, story and natural terrain parking variances. The 2008 plan
40 included a steeple up to 70 feet in height. No variance was needed for the steeple; it would have
41 been permitted, as of right. The Applicant has voluntarily withdrawn its request for a
42 steeple/church tower and said request is considered withdrawn.
43

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

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

6
7 4. Preliminary Conditions:

8
9 4.1 The Applicant shall execute a unity of title document to be recorded in the public
10 records of Miami-Dade County, which unity of title shall covenant (or provide a covenant in lieu
11 of unity of title) the property holder(s) to join the parcels together [7900 SW 176th Street and
12 8001 SW 184th Street] as one parcel, in a form approved by the Village Attorney, consistent with
13 the requirements of the Village's Land Development Code². The covenant shall be in final form
14 for recording within 45 days of final approval. No permits shall issue until the covenant/unity of
15 title is recorded.

16
17 4.2 The Applicant shall record an acceptable and approved restrictive covenant
18 running with the land for specific conditions, which covenant shall exist for 30 years, and
19 automatically renew for 10 year periods, thereafter.

20
21 4.3 Any substantial modification [pursuant to 30-30.3(c) of the Village's Code of
22 Ordinances] or abandonment of the attached site plan shall require public hearing. The term
23 "substantial modification" for the purposes of this approval shall mean a modification or
24 substitute site plan of equal or lesser intensity, including floor area ratio, lot coverage, square
25 footage, and height; and provide equal or greater setbacks, buffering, landscaping, and amenities.
26 In no way shall student enrollment be expanded due to a substantial modification review.

27
28 4.4 ~~Reserved. Cap of Intensity of Uses and Student Population. Applicant shall limit
29 future development and agrees that it shall not seek any further development approvals to
30 increase the intensity of uses, to increase lot coverage, square footage, heights of structures, or
31 exceed 900 students for 30 years following the recording of this covenant. Specifically, no
32 buildings shall exceed two (2) stories or a roof elevation of 35 feet in height measured from
33 finished floor.~~

34
35 4.5 Student Enrollment Defined and Reporting. ~~Applicant shall not exceed 900~~
36 ~~students in enrollment.~~ Applicant agrees to submit an executed affidavit from the Headmaster
37 of the School each year to the Village Manager, within 30 days of the first day of the applicable
38 school year, identifying the number of students enrolled for the academic school year and
39 attesting the number of students enrolled in the school. This information shall be provided to the
40 Village, annually, for as long as a school is located on the site. Applicant agrees and
41 acknowledges that the "maximum number of students" shall mean the actual number of students

Formatted: Strikethrough

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.