

LAW OFFICES OF
SEAN M. CLEARY
PROFESSIONAL ASSOCIATION

19 WEST FLAGLER STREET
SUITE 618
MIAMI, FLORIDA 33130

TELEPHONE: 305-416-9805
FACSIMILE: 305-416-9807

August 21, 2013

Sent Via Facsimile and Email

Village of Palmetto Bay
C/o Village Counsel, Eve Boutsis and Jeffrey Hochman

Dear Ms. Boutsis and Mr. Hochman:

Stanley Price and I, as litigation legal counsel for Palmer Trinity, are authorized to make this Confidential Counter-offer of Settlement, which is not admissible and is privileged, and which is a counter-offer to the offer made by the Village on or about August 14, 2013. This Counter-offer of Settlement is not negotiable and if accepted will resolve all pending litigation between Palmer Trinity School ("PTS") and the Village of Palmetto Bay ("Village").

Please provide this to the Village Council Members as soon as possible and provide us with the Village's response. Please note that if this Offer is not approved completely, it is hereby withdrawn. If approved, the settlement shall not go into effect until the time for appealing the resolution approving the settlement has expired and no appeals or other judicial proceedings have been filed. Any third party challenges to the settlement shall be deemed to terminate the offer of settlement. Furthermore, if the Offer is not approved completely, the previous Site Plan is maintained and not affected.

This Counter-offer seeks to amend the Conditions in Resolution No. 2010-48 and any and all revisions or amendments thereto (e.g. Amendments dated 7/19/11 and 8/29/12), which are attached for your review. If any of these Conditions are not eliminated by vote, the Village must agree not to enforce any of the prior Conditions against PTS unless said Conditions shall be uniformly enforced against all properties in the Village. No Charter provisions addressing increases in the number of students are applicable unless said provisions were in effect at the time of the filing of the original application for site plan approval.

1. Only the following Sections and Conditions contained in the attached Resolution 2010-48 (Amended 07/19/2011 and 08/29/2012) remain in effect: Section 3 and Section 4A and 4B (paragraphs 1, 2, and 3), and Conditions 4.1, 4.2, 4.3, and 4.7.

All other Sections and Conditions of this Resolution are hereby voided.

Except as noted above, PTS will be treated according to the Village Code and laws and the same as any other individual or institution in the Village. If, by the elimination of any Condition, PTS is found to be in violation of a current code or law, PTS will be given a reasonable period of time to become compliant and no fines shall be assessed by the Village.

2. PTS agrees to keep the buildings in the same location pursuant to when the Site Plan was approved and abide by the deviation percentage as allowed by the Village Code (hereinafter "Code") and/or Miami-Dade County Code at the time of any such deviation.

3. In order to ensure conformity with the Code (e.g. Code Sec. 30-60.15(d) and (e)) and to assure that the buildings have the proper setbacks (as per the Code's "Buildings for Public Assemblage"), PTS will plant a 50' (Fifty foot) landscaped buffer. Only (1) one pathway may be built within the buffer and no berm will be built.

4. PTS requests that lights be allowed on all of its Athletic Fields. PTS has contacted MUSCO Green Generation Lighting to ensure that lights on the Athletic Fields are non-invasive to neighboring homes and emit no spillover outside of the field of play. MUSCO is the same lighting company that the Village of Palmetto Bay is using for its Coral Reef Tennis project. These technological advances, which are attainable with today's lighting products, along with PTS' 50' landscaped buffer, will mean that light is ONLY provided on PTS' property and does not encroach onto any neighboring property.

Additionally, the majority of lighted events will take place during the Non-Daylight Savings Time portion of the year, which traditionally runs for only approximately 4 months. During some portion of this time of year, PTS fields 7 Athletic teams that play on outdoor venues. This means that lighted events will not occur on an all year, 12 month schedule or even a full time part of the home schedule during the Non-Daylight Savings Time months as it is not reasonable to expect that all home games will be played at night.

In order to illustrate MUSCO's work and ability to do this job correctly, attached are Illumination Summaries for 2 of PTS' fields - Football and Baseball. Also, MUSCO has provided actual photos of work it has completed which clearly show how the lighting is used only on the field of play and there is no spillover outside of that area.

Lights on PTS Athletic Fields will be turned off at 8:30 p.m. every night.

See attached Lighting Samples and Illumination Summaries from MUSCO.

5. All student driver traffic must use the entrance/exit at SW 184 Street after it is open. Student drivers may not use the SW 176 Street entrance/exit after SW 184 Street is open. All other school traffic (e.g. deliveries, faculty, staff, parent drop-off, etc.) may use SW 176 Street. PTS agrees that once SW 184 Street is open a sign shall be posted at SW 176 Street clearly identifying the days and times that SW 176 Street is Open/Closed. In addition, PTS would like to ensure that SW 176 Street is being used properly by offering to reconfigure the Guard House at that entrance to the middle of PTS' internal entry/exit roads and staff it such that vehicles in

violation are not allowed in or out via SW 176 Street and are directed to SW 184 Street. This will give the residents on and around SW 176 Street more assurance that vehicles are not ignoring the signage and using that entrance/exit during off hours, causing unneeded and unwanted traffic through their neighborhoods. PTS understands that it cannot begin any reconfiguration (such as the above) without the approval of the Village and issuance of proper permits. PTS is not asking the Village to grant any approval for this idea with this settlement offer. Instead, when PTS is ready to reconfigure this area, PTS will seek the normal approval to do any such reconfiguration.

6. PTS would agree to follow Village Code Sec. 30-90.19 as it applies to the size of signage on an Entry Feature within a Residential Zoning District. This Code Section allows for the size of a sign on an Entrance Feature to be no larger than 32 square feet of sign face area. PTS would like to conform with the Village Code and post a sign that has less than 24 square feet of sign face area. A rendering of the proposed signage PTS would like to use is attached to this letter, along with the alternative post style marquee sign that PTS has been told by the Village Staff (on several occasions) that should be used. *See* attached Signage Samples.

7. PTS will undertake a Traffic Study when school enrollment reaches 900 students. If the Study shows a need for traffic calming devices, PTS will absorb the cost of constructing or installing those devices.

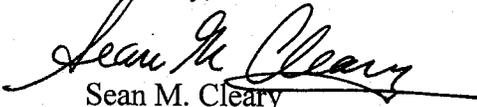
8. PTS agrees that it should be held to the Village Code with regards to noise level. PTS' Outdoor Public Address systems will be turned off at 8:30 p.m.

9. The Village shall pay PTS \$200,000 in cash (to offset some of the additional attorneys' fees since the inception of the Civil Rights litigation) and also give PTS \$600,000 in credit to be used for Village building permit fees, inspection fees, and fees of other types, including fees for Art in Public Places. PTS may use these credits as it decides to offset Village costs associated with expansion.*

*Any fees associated with the re-submission of PTS' Site Plan will be waived by the Village and not included in the \$600,000 credit.

This Confidential Offer of Settlement shall expire and therefore be withdrawn, if not accepted completely, at 11:59:59 p.m. on September 4, 2013.

Sincerely,



Sean M. Cleary

Cc: Stanley Price, Esq.

Resolution No. 2010-48
- Amended 7/19/11 and
8/29/12

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

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

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

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

16 ~~WHEREAS, based on the foregoing finding, the Mayor and Village Council determined to~~
17 ~~grant the application, as amended (modified/conditioned) by Council Action,.~~
18

19 NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE
20 COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:
21

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

27 Section 2. Findings of fact.

28 The subject property is located at 7900 SW 176TH Street and 8001 SW 184th Street, Palmetto Bay,
29 Florida.
30

31 In 1999, the Applicant sought a site plan modification for 7900 SW 176th Street. During that
32 hearing, a transcript was made. During the May 4, 2010 hearing, Applicant's Counsel asserted that
33 the 1999 transcript is part of the record for the May 4, 2010 hearing. He advised that Applicant read
34 the transcript and that there were no commitments made at a public hearing to limit the school to
35 600 students. During the May 4, 2010 hearing, the Vice Mayor read from the 1999 transcript as
36 follows:
37

38 Page 38, line 10 – 1999 hearing Transcript:
39

40 Mr. O'Donnell (then counsel for Applicant): And our 600 student body is
41 something that may or may not be achieved, but that is the maximum, depending on
42 the year and depending on who accepts it and that sort of thing.
43

44 Page 57, line 14 – 1999 hearing Transcript:
45

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

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

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

28 The 2008 application contained a request for a non-use variance of parking requirements to permit
29 parking on natural terrain, where not permitted. This request was eliminated and withdrawn from
30 the modified site plan dated April 19, 2010.
31

32 The original 2008 application contained variance requests for height and number of stories to allow
33 a maximum height of 50'-7" for certain proposed new buildings to include a chapel, a performing
34 arts center, a library/media center/administration building and a gymnasium where 35 ft. is
35 permitted, as well as to allow three (3) stories where two (2) is permitted for the library/media
36 center/administration multi-purpose building. These requests were eliminated and withdrawn from
37 the April 19, 2010 plan.
38

39 The 2008 plan included a steeple up to 70 feet in height. No variance was required for the steeple, as
40 it would have been permitted as of right. The Applicant voluntarily withdrew its request for a
41 steeple/church tower.
42

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

10
11 The Applicant's property is comprised of a 55-acre parcel of land, that was previously zoned under
12 three (3) different zoning classifications (AG, E-2, and E-M), and is surrounded by the Estate-
13 Modified Single-Family zoning district. Prior to hearing the application for special exception and
14 site plan modification, the Applicant requested that the 32.22 acres property bearing address 8001
15 SW 184th Street be rezoned from AG and E-2 to E-M. On May 4, 2010, prior to ruling on the
16 Applicant's requests under PH-VPB 07-012-B, the Village Council rezoned 8001 SW 184th Street to
17 E-M.

18
19 The Town of Cutler Bay is located to the south. The 8001 SW 184th Street property adjoins the
20 northern parcel zoned E-M, also owned by the Applicant that bears the address 7900 SW 176th
21 Street. Except for the Applicant's private school to the north, and Bill Sadowski Park bordering the
22 northeastern portion of the Applicant's property, the surrounding neighborhood is characterized
23 predominantly by detached single-family homes. Canals are located to the west (between SW 84th
24 Avenue and SW 83rd Court) and north (between SW 173 Terrace and SW 175th Street). To the east
25 of the property is Old Cutler Road. To the south of the property is SW 184th Street (Eureka Drive).
26 The canals and roadways serve as immediate natural borders for the residential neighborhood
27 surrounding the Applicant's subject property and school. The lots immediately to the east and west
28 along the southern edge of the subject property on S.W. 184th Street are zoned E-1, Single-Family
29 and are comprised of single-family homes. To the east and along Old Cutler Road there is a church,
30 a pre-school and kindergarten, Village Library, VMU (Village Mixed-Use) District, and both E-1 and
31 E-M Zoning Districts.

32
33 Planning and Zoning staff found the scale, utilization, location of buildings, height of buildings,
34 landscaping, open space, and buffering, are acceptable. Staff recommended conditions as to certain
35 elements, including as it relates to compatibility, access, parking circulation/layout, and
36 visibility/visual layout. Signage is governed under the County Code, Section 33-100.

37
38 DERM [PERA] had no objections, subject to conditions stated in their report. Miami-Dade Public
39 Works Department raised issues and stated their objections in their report and those objections have
40 been addressed by Applicant. The Village's Traffic Consultant, The Corradino Group, has issued
41 recommendations that are incorporated by reference by staff as conditions to approval of the
42 application. The Miami-Dade County Parks & Recreation department issued objections relating to
43 the Bill Sadowski Park and those comments are incorporated by reference. Fire Rescue's report is
44 also incorporated by reference. The Miami-Dade Police Department (Village Policing Unit) has no
45 objections.
46

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

10
11 The Miami-Dade County Archeological and Historical Department has requested a survey during
12 phase 1, as archeological artifacts have been discovered in the Bill Sadowski Park.

13
14 The Planning and Zoning Staff Analysis Report is incorporated by reference herein, as part of the
15 factual record for the Village Council's decision as Exhibit A to this resolution.

16
17 The Council heard testimony from Mr. Julian Perez, the Village's Planning & Zoning Director; Mr.
18 Joe Corradino, of Corradino Consulting Group, the Village's traffic consultant; Mark Alvarez, a
19 planner representing a citizens group, Concerned Citizens of Old Cutler Inc. (CCOCI); Jack Luft, a
20 planner representing applicant; Mr. Timothy Plummer, of David Plummer & Associates, Inc. a
21 Traffic Engineer/Consultant for Applicant; and, Mr. Don Washburn, of Audio Bug, Inc., an audio
22 expert for Applicant.

23
24 Prior to Council deliberation and action Counsel for Applicant advised that it accepted all conditions
25 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
26 student population above 1150 for 30 years but requested the right to increase structures, lot
27 coverage or intensity of uses. Applicant's counsel agreed to Phase 1 construction to include
28 improvements to SW 184th Street. Mr. Price argued that the berm requirement and contiguous use
29 of the walking and maintenance paths, found at condition 7.3 was inconsistent with the landscape
30 plans proposed and inappropriate. He also requested that condition 8.9 of staff's recommendations
31 relating to the use of the SW 176th Street entrance be modified so that the entrance could remain
32 open after proposed hours for four events per school year.

33
34 The Council held a public hearing and many residents and community members spoke both in favor
35 and in opposition to the application. The Council heard testimony relating to traffic, noise, number
36 of students, field usage and affects of that usage, environmental concerns, and other topics. The
37 Council incorporates by reference the minutes, audio tape, and transcript (if transcribed) into its
38 findings of fact.

39
40 Section 3. Conclusions of law.

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

1 The standard of review for a special exception is found at 33-151, et seq., of the Miami-Dade
2 County Code. The Applicant's request for a special exception to expand onto 8001 SW 184th Street
3 and to increase the number of students from 600 to 1,150 ~~is not~~ in compliance with the applicable
4 standards. ~~However, the Applicant's request for a special exception to expand onto 8001 SW 184th~~
5 ~~Street from 7900 SW 176th Street.~~

6
7 2. The standard of review for a site plan modification is found at section 33-311(A)(7),
8 of the Miami-Dade County Code. The Applicant's request for site plan modification is in
9 compliance with the applicable standards, as amended below.

10
11 Section 4. Order.

12
13 A. The Council, pursuant to Section 33-311(A)(7), and 33-151, et seq., of the Miami-
14 Dade County Code as applied by the Village, approves with conditions and modifications the
15 Applicant's requests for a special exception and site plan modification for school use and expansion
16 as to the plans entitled Palmer Trinity Private School Campus Master Plan as prepared by Duany
17 Plater-Zyberk & Co., consisting of 36 sheets, dated stamped received November 1, 2007, as revised
18 by the plans entitled Palmer Trinity Private School Campus Master Plan as prepared by Duany
19 Plater-Zyberk & Co., consisting of 48 sheets, dated stamped received April 19, 2010. The April 19,
20 2010 plans are incorporated by reference as Exhibit B to this resolution [formerly Exhibit 1 to the 5-
21 4-2010 hearing item PH -VPB- 07-012B].

22
23 B. The Village Council conditions/modifies the site approval/special exception as
24 follows:

25
26 1. All variance requests from the 2008 plans are specifically recognized as withdrawn.
27 This includes all height, story and natural terrain parking variances. The 2008 plan included a steeple
28 up to 70 feet in height. No variance was needed for the steeple; it would have been permitted, as of
29 right. The Applicant has voluntarily withdrawn its request for a steeple/church tower and said
30 request is considered withdrawn.

31
32 2. The special exception to expand the non-public school use onto 8001 SW 184th
33 Street is approved with conditions.

34
35 3. The request to increase the non-public school number of students to 1150 is
36 approved denied.

37 4. Preliminary Conditions:

38
39 4.1 The Applicant shall execute a unity of title document to be recorded in the public
40 records of Miami-Dade County, which unity of title shall covenant (or provide a covenant in lieu of
41 unity of title) the property holder(s) to join the parcels together [7900 SW 176th Street and 8001 SW
42 184th Street] as one parcel, in a form approved by the Village Attorney, consistent with the

1 requirements of the Village's Land Development Code². The covenant shall be in final form for
2 recording within 45 days of final approval. No permits shall issue until the covenant/unity of title is
3 recorded.
4

5 4.2 The Applicant shall record an acceptable and approved restrictive covenant running
6 with the land for specific conditions, which covenant shall exist for 30 years, and automatically
7 renew for 10 year periods, thereafter.
8

9 4.3 Any substantial modification [pursuant to 30-30.3(c) of the Village's Code of
10 Ordinances] or abandonment of the attached site plan shall require public hearing. The term
11 "substantial modification" for the purposes of this approval shall mean a modification or substitute
12 site plan of equal or lesser intensity, including floor area ratio, lot coverage, square footage, and
13 height; and provide equal or greater setbacks, buffering, landscaping, and amenities. In no way shall
14 student enrollment be expanded due to a substantial modification review.
15

16 4.4 Reserved.
17

18 4.5 Student Enrollment Defined and Reporting. Applicant shall not exceed 1,150
19 students in enrollment. Applicant agrees to submit an executed affidavit from the Headmaster of
20 the School each year to the Village Manager, within 30 days of the first day of the applicable school
21 year, identifying the number of students enrolled for the academic school year and attesting the
22 number of students enrolled in the school. This information shall be provided to the Village,
23 annually, for as long as a school is located on the site. Applicant agrees and acknowledges that the
24 "maximum number of students" shall mean the actual number of students enrolled at the school as
25 reported to the State of Florida and the Florida Council of Independent Schools and shall not be the
26 daily average attendance, nor exclude any students that may be traveling/studying abroad. The
27 Applicant shall provide a copy of the FCIS to the Village once it becomes available. The maximum
28 number of students shall include all student transfers during the school year. Any increase in
29 students enrolled at the school after the initial annual enrollment is disclosed shall be reported to the
30 Village within five (5) business days of the event.
31

32 4.6 Should Applicant violate section 4.5 relating to the number of students and should
33 Applicant fail to cure the excess enrollment within 30 days of written notice, such an act shall
34 constitute a false statement or misrepresentation of fact that would permit the Village to revoke the
35 most recent building permit or certificate of occupancy issued by the Village.
36

37 4.7 Student expansion shall comply with the timetable provided, attached hereto as Exhibit "C"
38 [formerly Exhibit 7 to the May 4, 2010 hearing item PH-VPB-07-012B] to this resolution, but
39 modified to reflect the actual start date of this final order.
40

41 4.9 Community Relations Committee. The Applicant shall create a Community
42 Relations Committee that will be charged with the responsibility of facilitating future discussions

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.

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

11
12 4.10 The Applicant agrees and affirms that there will be no objection now or in the future
13 to controlled burns conducted by Miami-Dade County at Bill Sadowski Park for the park's
14 management. The Village will attempt to coordinate with Miami-Dade County to provide the
15 Applicant with prior notice of controlled burns. The Applicant further agrees not to interfere, due
16 to lighting issues, with night program schedules for Bill Sadowski Park.

17
18 4.11 The Applicant shall comply with all applicable State, County, and Village Codes and
19 Ordinances, including but not limited to the Village's Art in Public Places Ordinance.

20
21 4.12 Unpermitted and unconstructed portions of prior development approvals (1999
22 plans, 2000 and 2010 substantial compliance reviews) shall be considered withdrawn and abandoned.
23 The Applicant shall comply with condition 5.10 relating to the portables.

24
25 4.13 An official inspector of the Village, or its agents duly authorized, have the privilege,
26 at any time during normal working hours, of entering and inspecting the use of the premises to
27 determine whether or not the requirements of the building and zoning regulations and the
28 conditions contained herein are being complied with. Village Code Compliance shall conduct bi-
29 annual inspections, with Applicant, for compliance with the terms and conditions of this zoning
30 resolution.

31
32 4.14 Applicant shall comply with the Land Development Regulations for maintaining the
33 sanitary sewer concurrency levels, during construction and throughout operations.

34
35 4.15 In compliance with the requirements of Section 33-151.51, of the County Code, the
36 Applicant shall record a covenant running with the land that ensures compliance with the minimum
37 footage requirements, calculations and conditions upon which the additional square footage has
38 been permitted. ✓

39
40 5. Pre Construction – Construction – Build Out Conditions:

41
42 5.1 All components of the approved site plan shall be completed according to the
43 schedule attached hereto, which provides that the approved construction shall not be completed
44 earlier than 15 years and no later than 25 years from the date of zoning approval. The Preliminary
45 Construction Schedule for Phase 1 is enclosed as Exhibit D [formerly Exhibit 6 to the 5-4-2010
46 hearing item PH -VPB- 07-012B] to this resolution. This recommendation is consistent with the

1 newly adopted Land Development Code, Section 30-30.2(d)(16) and (k), relating to requiring a
2 construction plan and timetable.

3
4 5.2 ~~Staggering of Student Population. The increase in student population to 1150~~
5 ~~shall occur incrementally over the entire term of the project.~~

6
7 5.3 Construction Staging:

8
9 5.3.1 The Applicant shall annually submit a construction staging plan for review and
10 approval prior to commencement of construction. Phase 1 is enclosed as Exhibit D.
11 Council approved additional conditions for Phase 1, which are found below.

12
13 5.3.2 Construction staging shall take place as preapproved by the Village's Planning &
14 Zoning and Building Directors, on the property known as 8001 SW 184th Street, where
15 possible, toward the center of the property, away from the proposed 75 foot buffers.

16
17 5.3.3 Construction trailers for staging area are permitted under the Village's Code.

18
19 5.3.4 The staging area may be cleared during Phase 1 of the construction plan.

20
21 5.3.5 Construction shall comply with the noise controls provided in the Village's Code of
22 Ordinances, section 30-60.29.

23
24 5.3.6 The driveway area may also be cleared during Phase 1.

25
26 5.3.7 Access points by construction vehicles shall be identified as part of the Construction
27 Plan for Village approval. No construction vehicle shall access through the neighborhood.
28 Unless necessary for a specific item, no construction vehicles shall access through SW 176th
29 Street. All other construction vehicles must use SW 184th Street once that entrance is
30 constructed under the Phase 1 Construction Plan.

31
32 5.4 Permitting and Property Clearance. The Applicant shall not remove any trees
33 outside the 75 ft. buffer, unless a building permit and/or tree removal permit, if required, has been
34 secured for the construction of the work being requested. At no time shall the entire 8001 SW 184th
35 Street site be cleared all at once.

36
37 5.5 Construction Air Quality Management Plan. The Applicant shall provide a
38 Construction Air Quality Management Plan on the construction drawings that, at a minimum,
39 includes protecting ducts during construction and changing the filters and vacuuming ducts prior to
40 occupancy. The submitted plans must note compliance with this provision.

41
42 5.6 MOT Plan. A construction and Maintenance of Traffic (MOT) Plan shall be
43 provided to the Building and Public Works Departments for approval.

44
45 5.7 The Applicant shall comply with the Village's demolition and construction
46 fencing ordinance.

1
2 5.8 The entrance and roadway onto 8001 SW 184th Street may be constructed
3 prior to any other improvements. However, the required perimeter walls (eastern and western
4 property lines) and 75 ft. buffers, to be located at 8001 SW 184th Street, with required landscaping
5 shall be installed and/or constructed prior to the commencement of construction of any additional
6 structures or improvements. The wall shall be constructed, and then the buffer shall be installed, no
7 later than two (2) years of receiving the final zoning approval. One extension of time, not to exceed
8 six (6) months, may be granted by the Planning & Zoning Director, upon a showing of good cause.
9 "Good cause" would include timely request for permits, submitting for inspections and reviews,
10 diligent efforts to adhere to the construction schedule, and force majeure type events (weather
11 delays or civil unrest).

12
13 5.9 The Applicant shall work with the Village and County to install "Do not
14 Block Intersection" signs along SW 184th Street from SW 82nd Avenue to Old Cutler Road.

15
16 5.10 The existing portable classrooms trailers located along the western edge of
17 7900 SW 176th Street shall be eliminated as soon as replacement facilities are constructed, and within
18 18 months after final zoning approval. One extension of time, not to exceed six (6) months, may
19 be granted by the Planning & Zoning Director, upon a showing of good cause. "Good cause" would
20 include timely request for permits, submitting for inspections and reviews, diligent efforts to adhere
21 to the construction schedule, and force majeure type events (weather delays or civil unrest).

22
23 5.11 Failure to construct the replacement facilities for the portables described at section
24 5.10 within the time period provided therein shall require that the portables be removed immediately
25 upon the expiration of the 18 month period. One extension of time, not to exceed six (6) months,
26 may be granted by the Planning & Zoning Director, upon a showing of good cause. "Good cause"
27 would include timely request for permits, submitting for inspections and reviews, diligent efforts to
28 adhere to the construction schedule, and force majeure type events (weather delays or civil unrest).
29 Failure to remove the portables shall also result in the denial of future permits due to site plan
30 violations in addition to any other remedy provided below under Section 15, "Enforcement."

31
32 5.12 During Phase 1 of construction and within two (2) years of approval, the Applicant
33 shall install the recommended turning lane contained in condition 8.11(a) ["Old Cutler road/SW
34 184th Street – Add a southbound right turn lane; signal phasing adjustments"].

35
36 6. Athletic Fields and Amenities:

37
38 6.1 The Applicant shall not use the athletic fields for commercial purposes such as
39 renting, leasing, or allowing third-parties unaffiliated with the operation of the school (no third-party
40 organizations or groups) to use the recreational facilities. Applicant shall annually provide proof of
41 existing division-type play, tournaments, organized sports and uses of its facilities to the Village.
42 Prior to the beginning of each season, for each sport, the Applicant shall provide the Village with a
43 list of proposed events – tournaments and league play.

44
45 6.2 The Applicant shall submit a proposed list of school special events planned for each
46 school year to the Village Manager not later than August 15th of the applicable school year for

1 Village administrative review. Any other/additional special event shall require advanced notice for
2 review as a special event under the Village's procedures. A police officer, or equivalent, shall be
3 required to be present at all special events held at the school, if required by the Village's Code, after
4 review as a special event permit.
5

6 6.3 Solely one (1) athletic tournament, jamboree, or division-type play (where numbers
7 of spectators and opposing team(s) are invited to play on site) shall take place at one time on the
8 property (7900 SW 176th Street through 8001 SW 184th Street). To be clear, this condition relates to
9 holding one event. Not several events, different sports, at same time. Any athletic tournaments,
10 etc., may take place after normal school operating hours (after 3:00 p.m.) and weekends from 10:00
11 a.m. and 3:00 p.m.
12

13 6.4 No bleachers shall be located adjacent to the eastern and western buffers of 7900
14 SW 176th Street and 8100 SW 184th Street. Adjacent shall mean not within 20 feet of the buffers.
15

16 6.5 The Applicant shall provide fencing for the tennis center.
17

18 6.6 The Applicant shall not install lighting for outdoor uses other than the parking areas,
19 and any emergency lighting requirements of the Code. The interior of the pool may contain lights.
20 Lighting of the athletic fields is prohibited.
21

22 6.7 The pool shall be enclosed with a fence and hedge with a minimum height of six feet
23 (6 ft.) and comply with the safety barrier requirements of 33-151.11 through .22 of the Code. Any
24 interior chain link fencing shall be poly-coated vinyl and black or green in color. The pool shall not
25 be constructed during Phase 1 and is not to be constructed for at least five (5) years after final
26 zoning approval.
27

28 6.8 The Applicant shall comply with conditions 4.10 and 10.4 relating to lighting and Bill
29 Sadowski Park.
30

31 7. Landscaping: 32

33 7.1 The Applicant shall meet all the minimum requirements of Division 30-100 of the
34 Village's Code of Ordinances, Chapter 24 of the Miami-Dade County Code and specifically comply
35 with all conditions imposed by Miami-Dade County DERM [PERA].
36

37 7.2 The Applicant shall covenant that no improvements, other than as provided for in
38 recommendation 7.3, shall be permitted within the confines of the buffer area (i.e. no roads, parking,
39 storage sheds, recreational, sports, or any other use that may negatively impact the buffer).
40

41 7.3 The buffer shall be landscaped in accordance with the Applicant's revised landscape
42 plan received by the Village on April 19, 2010. In addition, the Applicant shall construct a three and
43 a half foot (3.5 ft.) berm on the interior, internal to the site, adjacent to the six foot (6 ft.) CBS wall
44 to be constructed along the eastern and western perimeter of 8001 SW 184th Street. The berm shall
45 be approved by the Planning & Zoning staff as part of the landscape plan review. The landscape
46 buffer, as indicated on Sheet 39, shall be installed along the entire eastern and western perimeter

1 throughout the 75 foot buffer for the area known as 8001 SW 184th Street. The berm shall be
2 incorporated into the buffer design, found at Sheet 39 (maintenance path shall be reduced in width
3 as provided in these conditions). The layout found at Sheet 39 shall not be limited to solely the
4 parking area adjacent to the buffer, but rather throughout the buffer fringe – creating a solid hedge
5 along the interior edge of the buffer.
6

7 7.4 The eastern and western buffers along 8001 SW 184th Street may contain a
8 meandering pedestrian path, within the innermost/interior 25 feet of the 75 foot buffer. The
9 Applicant shall limit the meandering walking path to a maximum width of six feet (6 ft.). The
10 pedestrian path shall solely be used for pedestrian/walking/ running purposes.
11

12 7.5 Where practicable, the maintenance path and the meandering walking path shall be
13 the same path, along the eastern and western buffers for 8001 SW 184th Street. Final
14 determination/approval of “where practicable” shall be made by the Village’s Planning & Zoning
15 Director. Otherwise, the maintenance path shall be limited to a maximum width of eight feet (8 ft.)
16 and should be used solely for maintenance purposes. The Maintenance portion of the “joint-path”
17 shall not be paved [the increase to eight (8) feet – a two-foot non-paved area surrounding the six
18 foot (6 ft.) pedestrian path]. All other buffers shall solely contain an unpaved, up to eight (8) foot
19 maintenance path.
20

21 7.6 The eastern and western perimeters of 8001 SW 184th Street shall contain a concrete
22 wall six feet (6 ft.) in height, finished on both sides and maintained by the Applicant. The southern
23 boundary at SW 184th Street and northern boundaries at SW 176th Street shall provide a six foot (6
24 ft.) wrought iron fence with masonry columns. The eastern and western perimeters of 7900 SW
25 176th Street already contain a six foot (6 ft.) concrete wall that shall be required to be maintained, on
26 both sides.
27

28 7.7 The Applicant shall provide and/or replace landscaping improvements along SW
29 184 Street and SW 176 Street fronting the school in compliance with the Village’s Street Tree Master
30 Plan prepared by O’Leary Richards Design Associates, Inc., and in coordination with the Village’s
31 Public Works and Planning & Zoning Departments.
32

33 7.8 The Applicant shall preserve existing trees (including native trees) during the
34 development of the project, wherever possible. If the trees must be removed, the Applicant shall be
35 required to mitigate the impact in accordance with Village and DERM [PERA] requirements. If the
36 relocated trees do not survive, the Applicant shall be required to replace the trees in compliance with
37 DERM [PERA] and Village requirements.
38

39 7.9 The Applicant shall install additional oaks and planting materials on the northwest
40 perimeter of buildings no. 16 and 18 in order to provide additional screening to the adjacent
41 neighborhood located on the western boundary of the property. The Applicant is to provide two
42 (2) native trees and a cluster of palms.
43

44 7.10 The pool area shall be landscaped as provided under section 6.7, above.
45

1 7.11 The Applicant shall prohibit parking by faculty, visitors, and students on the rights-
2 of-way bordering the school by planting and maintaining landscaping along the rights-of-way in
3 accordance with Village requirements. The Applicant shall work with the Village and County to
4 install "No Parking" signs for the right-of-way along SW 176th Street and SW 184th Street.
5

6 7.12 Applicant shall maintain the areas identified herein as "buffer" and shall be required
7 to perpetually maintain the landscaping within the buffer with the identified native species and other
8 plantings provided in the landscape plan. At no point shall structures be constructed within the
9 buffer area. The buffer shall consist of the 75 foot set aside along the east, west and southern
10 perimeters of 8001 SW 184th Street; and the 50 foot set aside along the east, west, and northern
11 perimeters of 7900 SW 176th Street.
12

13 7.13 Applicant shall provide annual update, plan, as to the maintenance for the buffer
14 areas.
15

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

21 8. Traffic:
22

23 8.1 The Applicant shall be responsible for compliance with the Land Development
24 Regulations relating to traffic concurrency requirements.
25

26 8.2 The Applicant shall hire one (1) police officer, or equivalent, during regular session,
27 (per entrance) to control traffic during peak morning and afternoon school hours for each entrance
28 to the school (SW 176th Street and SW 184th Street). The school shall also utilize a police officer for
29 special events, as is required under condition 6.2.
30

31 8.3 The Applicant shall install traffic calming devices along the internal circulation
32 driveways and roadways in compliance with the Site Plan and Traffic Study prepared by David
33 Plummer & Associates, Applicant's traffic expert.
34

35 8.4 The Applicant shall control the entry points to the school by directing student,
36 teacher, and staff vehicles to enter and exit the school from SW 184 Street driveway. The entrance
37 to SW 176th Street shall solely serve as the drop-off and pick-up location for students. This process
38 will be implemented through a decal program. The different color decals will be distributed and
39 assigned to a specific driveway. The security gatehouse at each driveway will monitor for proper use
40 of the decal. Violators shall be contacted by the school master and security to ensure proper
41 enforcement.
42

43 8.5 The Applicant shall fund a series of peak hour intersection turning movement
44 counts, and 72 hour link counts to be taken by the Village along SW 176 Street and at the school
45 driveway entrance on that street. These are to occur on a random basis once each semester of
46 school operations in perpetuity at the discretion of the Village.

1
2 8.6 If either the 1370 trip daily volume or 960 combined trip volume peak thresholds are
3 violated, the Applicant will be notified in writing and be required to enact measures to bring the
4 traffic volumes into compliance. To do so, the Village will require the school to propose at least
5 three (3) mitigative measures that would be enacted should the situation arise. Some of the
6 mitigation measures that could be considered are color coded decal system (see condition 8.4);
7 limiting access to/from SW 176th Street to the east only; license plate numbers entrance assignment;
8 lottery assignment; controls/prohibitions/signing; and, closing internal roads so driveway entered
9 must be exited. If the corrective action is not implemented within three (3) weeks of the school
10 being noticed of the violation, the Village will require the entrance be closed until corrective action is
11 implemented by the school. The Village will then verify that the actions to correct the violation are
12 working through additional Village traffic counts paid for by the School.
13

14 8.7 The Applicant shall keep the entrance to SW 176th Street closed to vehicular traffic
15 on weekends, holidays and all days when school is not in regular session.
16

17 8.8 The SW 176th Street entrance shall not be used for the delivery of goods or services
18 to the school or by commercial vehicles. All buses and vans used to transport students to and from
19 the property shall use SW 184 Street as ingress and egress.
20

21 8.9 The SW 176th Street entrance shall be closed at 7:00 p.m. everyday.
22

23 8.10 The Applicant shall develop an alternative transit mode feasibility program within
24 three (3) years after receiving the zoning approval. The program should provide incentives for the
25 student to use alternative mode of transportation such as carpool, public transportation or private
26 mass transit to get to and from school.
27

28 8.11 The Applicant shall be responsible for implementing the following mitigation
29 initiatives, as delineated in the David Plummer & Associates Report (Applicant's traffic expert),
30 dated April 22, 2010:
31

- 32 (a) Old Cutler Road/ SW 184 Street – Add a southbound right turn lane; signal phasing
33 adjustments.
34 (b) SW 184 Street at the project driveway – Construct an eastbound left turn lane.
35 (c) SW 184 Street at the project driveway – Construct a westbound right turn lane.
36 (d) Provide one off-duty police officer at each driveway during morning drop-off and
37 afternoon pick-up periods to monitor/control traffic.
38

39 8.12 Applicant shall be responsible for all expenses relating to traffic control, police
40 involvement, and police participation in traffic movements (the traffic plan). The traffic plan
41 relating to the daily school use and/or for any special events at the school for the roadways shall be
42 subject to approval of Village Police Department and Village Police Officers are to be hired by and
43 paid for by Applicant to manage traffic at entrance(s) to school and off-site locations affected by
44 traffic conditions.
45

1 8.13 Applicant shall install a “No Left Turn” sign at the exit to SW 176th Street and shall
2 preclude left-hand turns onto SW 176th Street, westbound, from the Applicant’s SW 176th entrance.
3 This condition shall be required, at a minimum, during peak hours.
4

5 8.14 If vehicle stacking/queuing spills-over onto SW 176th Street, the applicant shall be
6 required to provide additional on-site stacking to accommodate the spill-over. This would require a
7 modification of the circulation plan, which shall be reviewed by the appropriate Village Departments
8 for Compliance. The Applicant shall not be required to obtain Council approval to make the
9 necessary stacking related, circulation modifications to the interior of the property.
10

11 8.15 Applicant shall comply with the “safe routes to school” requirements of 1006.23,
12 Florida Statutes.
13

14 8.16 Applicant shall install public sidewalks within the Rights-of Way fronting Applicant’s
15 properties – 7900 SW 176th Street and 8001 SW 184th Street, after receiving approval from the
16 appropriate governmental agencies (County and Village).
17

18 8.17 The Village shall bi-annually (every six (6) months) test to ensure that there is a
19 limitation of neighborhood cut-through traffic. The Village shall analyze the traffic data and
20 determine corrective measures to limit such cut-through traffic. Based upon the testing, the Village
21 shall implement such corrective measures needed to enforce the Village’s goal (for example,
22 installing no turn signs at certain hours, etc.). This is an obligation of the Village.
23

24 8.18 As part of Phase I, per exhibit D, the Applicant shall complete the turning lanes at
25 the new SW 184th Street entrance.
26

27 9. Parking Related Conditions
28

29 9.1 Comply with condition 7.11 relating to precluding right-of-way (ROW) parking.
30 Cross-reference with section 7.3, above.
31

32 9.2 No parking of vehicles in any of the interior buffers to the property (7900 SW 176th
33 Street or 8001 SW 184th Street).
34

35 9.3 The Applicant shall install pavers in the parking lot to minimize the stormwater
36 runoff impacts, rather than asphaltting the entire parking area, in compliance with Section 28-6(b)(1),
37 of the Village’s Code of Ordinances.
38

39 9.4 No loud radios shall be allowed within the parking areas of the entire site.
40

41 9.5 Lighting shall be consistent with conditions 10.2 and 10.3, below.
42

43 9.6 That the Applicant shall maintain a sign prohibiting bus traffic, bus parking, student,
44 faculty or visitor parking along the swales/entrances to the Applicant’s property.
45

1 9.7 Proposed installation of 48 sable palms to be planted in the northwestern corner of
2 8001 SW 184th Street shall be replaced with Live Oak Trees, or other trees acceptable to the Village,
3 as the Oaks shall reduce the "heat island effect," shall enhance the buffering of the site, and increase
4 the tree canopy for the site. The landscaping for the parking lot shall be reviewed at permitting by
5 the Planning and Zoning Department as to the number and type of trees.
6

7 9.8 A continuous hedge shall be incorporated around all parking areas and shall meet all
8 requirements of Chapter 18A, subsections (I) and (J), of the Miami-Dade County Code.
9

10 9.9 Applicant is not to create any additional, unimproved, temporary or permanent
11 parking areas on the property.
12

13 10. Lighting & Energy:
14

15 10.1 The Applicant shall not install lighting for outdoor use other than for parking and/or
16 Code required emergency lighting. The interior of the pool, below the water surface, may contain
17 lights.
18

19 10.2 Applicant shall install and maintain parking area light fixtures which project the light
20 rays directly to the parking surface, and shall include shields which restrict projection of light rays
21 outward to adjacent properties and also restrict the upward projection of light rays into the night
22 sky. Outdoor parking lot area light fixtures shall not cast more than 1/2 ft. candle at the property
23 line.
24

25 10.3 The parking lot lights and all other outdoor lighting (whether for security, roadway
26 or parking) should have a maximum overall height of 15 feet.
27

28 10.4 The Applicant shall not interfere with night programming at Bill Sadowski Park and
29 no athletic field lighting shall be permitted so as preclude adverse effects to the night programming
30 at the Park and residential community.
31

32 10.5 The Applicant shall be required to comply with the conditions of Section 28-6, of
33 the Village's Code of Ordinances relating to the "Minimum Green Standards" (relating to LED
34 lighting, pavers, energy saving fixtures and water conservation).
35

36 10.6 The Applicant shall provide roof location in those structures with flat roofs to install
37 conduit from the electrical room for future Photovoltaic System (PV) installation. A minimum of
38 300 sq. ft. or larger of roof area in a south or west direction shall be dedicated and clear of vent
39 pipes and other obstructions to allow for the installation of a future PV system. The submitted plans
40 must note compliance with this provision.
41

42 10.7 The parking lot and internal circulation lights shall be placed on a timer consistent
43 with the termination of operational hours and consistent with applicable codes.
44

45 11. Noise:
46

1 11.1 Noise emanating from athletic fields and bleachers shall not generate a direct sound
2 pressure level in excess of 65 decibels at the school's boundaries, as provided under the Village's
3 Code Section 30-60.29, as may be amended. The Village will notify the school and the Community
4 Relations Committee of any violations of the noise ordinance. The Village and Applicant will
5 immediately work together to develop corrective action(s). If the corrective action(s) is/are not
6 implemented within three (3) weeks of its adoption, the Village will require that all after-hours field
7 activities be temporarily postponed until the corrective actions are implemented by the school.
8

9 11.2 The Applicant shall install and maintain signs reading: "No radios beyond this point"
10 at the guard house or other location approved by the Village's Planning & Zoning Department. Any
11 student found by the Applicant's administration to have violated the sound restriction, after a
12 warning, would be disciplined within the Palmer Trinity Rules and Procedures.
13

14 11.3 At 7900 SW 176th Street, the Applicant shall ensure bells, pulses, buzzers, or other
15 sounds to signal class times during school operating hours on days when school is in session shall
16 not generate a direct sound pressure level in excess of 65 decibels above ambient sound measured by
17 the A-weighted scale at the school's boundaries, as provided under the Village's Code, Section 30-
18 60.29, as may be amended.
19

20 11.4 At 8100 SW 184th Street, the Applicant shall use digital signage system or other non-
21 noise devices approved and recommended by the American with Disability Act (ADA) and the
22 ADA Standards for Accessible Design, to signal change of class times and announcements.
23

24 11.5 Any temporary public address speaker system or similar amplified sound device in
25 the athletic fields shall not be operated between the hours of 5:00 p.m. and 10:00 a.m. (Monday thru
26 Friday). On Saturday, the temporary public address speaker system or similar amplified sound
27 device in the athletic fields shall not be operated between the hours of 2:00 p.m. and 10:00 a.m. The
28 temporary public address speaker system shall be used in compliance with the Village's noise
29 Ordinance 30-60.29, as amended, and shall not generate a direct sound pressure level in excess of 65
30 decibels at the school's boundaries.
31

32 11.6 Code Compliance shall bi-annually (every six months) test the noise levels of the
33 Applicant's property from various locations and report back to the Community Relations
34 Committee. The Applicant shall work with Code Compliance and the Committee to cure any
35 violations of the Village's noise ordinance.
36

37 12. Environmental:
38

39 12.1 The Applicant shall provide a space for the collection and storage of recyclables.
40 This provision provides convenient access to recycling facilities and encourages building occupants
41 to utilize the recycling programs to their fullest. Projects shall comply with the minimum solid waste
42 and recyclables storage requirements. Applicant shall depict the collection and storage area(s)
43 location on submitted plans.
44

1 12.2 The Applicant shall use interior paints and wood finishes with low volatile organic
2 compound levels that do not exceed 50 grams per liter flat, or 150 grams per liter non-flat. This shall
3 be noted on the approved plans.
4

5 12.3 The Applicant shall hire an archeological consultant to execute a Phase 1
6 Archeological Survey prior to development. This will determine whether potential archeological
7 sites exist within the property. A list of archeological consultants has been provided to the
8 Applicant. The selected archeological consultant shall work closely with Miami-Dade County,
9 Office of Historic and Archeological Resources, during this process. In the event archeological
10 resources are found, the archeological consultant and the Applicant shall contact the County's
11 Office of Historic and Archeological Resources for guidance regarding additional testing and/or
12 archeological monitoring. If unmarked human remains are located, Florida State Statutes 875.05
13 (Florida's Unmarked Human Burial Act) shall apply and all work shall cease. The State Archeologist
14 shall then be notified.
15

16 13. Operations.
17

18 13.1 Service and delivery vehicles, including solid waste pick-up, shall be restricted to
19 Monday through Friday, between the hours of 7:00 a.m. to 7:00 p.m. [consistent with 30-60.29(e)(7),
20 of the Code]. Saturday deliveries would be allowed from 10:00 a.m. to 1:00 p.m. Service and
21 delivery vehicles shall use the SW 184th Street entrance. This requirement shall be implemented upon
22 the construction of the SW 184th Street entrance.
23

24 13.2 Service, delivery and storage areas and equipment shall be adequately screened and
25 located away from view of adjacent properties, in accordance with the proposed site plan.
26

27 13.3 That interior use of school facilities shall be restricted to the hours of operation
28 between 6:00 am and 10:00 pm, provided that the use is by the Applicant for school-related
29 purposes.
30

31 13.4 The property shall not be used for commercial leasing purposes. Commercial leasing
32 purposes shall mean any use not directly affiliated with the school operations of the Applicant. In
33 addition, it shall mean the use of the Applicant's property, buildings and facilities for economic value
34 or profit through third-parties.
35

36 13.5 Service, delivery and storage areas and equipment shall be adequately screened and
37 located away from view of adjacent properties, in accordance with the proposed site plan.
38

39 14. Structures.
40

41 14.1 The two (2) longer structures (building 16, the gymnasium and building 18, the
42 performing arts building) should be modified as follows: the wider portion of these structures are
43 approximately (260 ft x 149 ft). The Southern portion of each building provides a "tail-like"
44 continuation/extension of approximately 110 feet. These "tail-like" extensions should be
45 setback/offset six feet (6 ft.) from the wider portions of each building. As to Building 16, the six

1 foot (6 ft.) offset should be situated towards the east boundary. As to Building 18, the six foot (6 ft.)
2 offset should be set back towards the west boundary.

3
4 14.2 In addition, along the 110 foot setback portion of Buildings 16 and 18, there should
5 be a colonnade or arcade, with first floor roof-like structure, to break-up the monolithic volume.

6
7 14.3 In compliance with section 7.14, Live Oak trees, or other equivalent type trees, with
8 an overall size of 16 feet in height, should be planted along the remaining east side of Building 18
9 and along the remaining west side of Building 16, every 20 feet on-center for the length of the
10 structures (area not covered by the first floor roof-like arcade structured area). The 16 foot trees
11 should be root pruned to encourage their ability to survive the shock of planting.

12
13 15. Enforcement.

14
15 15.1 Non compliance with the approved site plan shall result in the denial of future
16 permits and may result in a daily fine, per violation, as provided under section 15.2, below.

17
18 15.2 A violation of any of the development approvals and/or conditions of the Village
19 Council will result in a \$500.00 a day fine, per violation. The Village shall provide Applicant with a
20 reasonable period of time to cure. The Applicant is entitled to an appeal of the notice of civil
21 citation pursuant to the procedures for the Village Special Magistrate, found at section 2-205 of the
22 Village's Code.

23
24 15.3 Cross-reference with specific enforcement provisions relating to section 4.6 as to
25 student population and removal of portables under section 5.11.

26
27 15.4 Authorization for the Village of Palmetto Bay to Withhold Permits and Inspections.
28 In the event the terms herein are not being complied with, in addition to any other remedies
29 available, the Village is authorized to withhold any further permits, and refuse to make any
30 inspections or grant any approvals, until such time as the conditions contained herein are complied
31 with. The Village shall provide Applicant with a reasonable notice to cure period. The Applicant
32 may follow the procedures for the Village Special Magistrate regarding any appeal.

33
34 15.5 Cross-reference with section 11.6.

35
36 This is a final order.

37
38 Section 5. Record.

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

Lighting Samples

PREV





Illumination Summaries



GUARANTEED PERFORMANCE

ILLUMINATION SUMMARY

Football

Palmer Trinity School
Palmetto Bay, FL

Football

- Size: 360' x 160'
- Grid Spacing = 30.0' x 30.0'
- Values given at 3.0' above grade

- Luminaire Type: Green Generation
- Rated Lamp Life: 5,000 hours
- Avg Lumens/Lamp: 134,000

HORIZONTAL ILLUMINATION

Entire Grid
No. of Target Points: 72
Average: 50.2
Maximum: 62
Minimum: 39
Avg/Min: 1.28
Max/Min: 1.57
UG (Adjacent Pts): 1.28
CV: 0.09

Average Lamp Tilt Factor: 1.000
Number of Luminaires: 44
Avg KW over 5,000 hours: 68.82
Max KW: 74.8

Guaranteed Performance: The CONSTANT ILLUMINATION described above is guaranteed for the rated life of the lamp.

Field Measurements: Averages shall be +/-10% in accordance with IESNA RP-6-01 and CIBSE LG4. Individual measurements may vary from computer predictions.

Electrical System Requirements: Refer to Amperage Draw Chart and/or the "Musco Control System Summary" for electrical sizing.

Installation Requirements: Results assume +/- 3% nominal voltage at line side of the ballast and structures located within 3 feet (1m) of design locations.

By: Matt Pearson

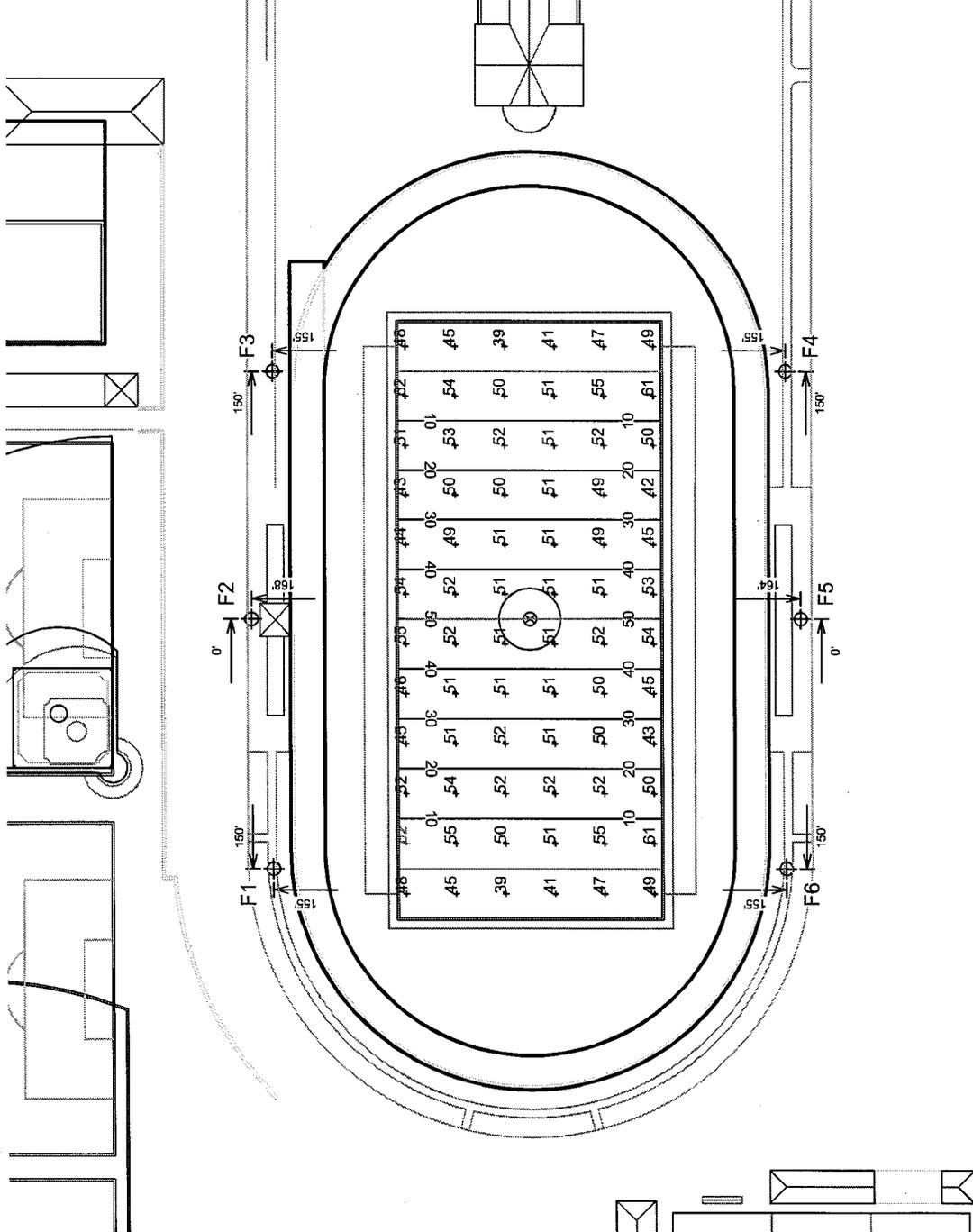
File #: 1160666R1

Date: 19-Mar-10

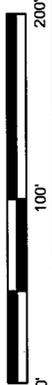
Not to be reproduced in whole or part without the written consent of Musco Lighting. ©1981, 2010 Musco Lighting

EQUIPMENT LIST FOR AREAS SHOWN

Pole		Luminaires			
QTY	LOCATION	SIZE	MOUNTING HEIGHT	GRADE ELEVATION	OTHER GRIDS
4	F1, F3-F4	70'	70'	-	4
2	F2, F5	80'	80'	-	0
6	TOTALS				16



SCALE IN FEET 1 : 100



Pole location(s) with dimensions are relative to 0,0 reference point(s) with symbol



MUSCO
GREEN GENERATION LIGHTING™

GUARANTEED PERFORMANCE

ILLUMINATION SUMMARY

Baseball
Palmer Trinity School
Palmetto Bay, FL

Baseball

- Size: 320'(375)/320' - 90' Basepath
- Grid Spacing = 30.0' x 30.0'
- Values given at 3.0' above grade

- Luminaire Type: Green Generation
- Rated Lamp Life: 5,000 hours
- Avg Lumens/Lamp: 134,000

CONSTANT ILLUMINATION

No. of Target Points:	Infield	Outfield
Average:	51.8	31.1
Maximum:	65	45
Minimum:	39	23
Avg/Min:	1.34	1.32
Max/Min:	1.69	1.90
UG (Adjacent Pts):	1.30	1.42
CV:	0.14	0.16

Average Lamp Tilt Factor: 0.999
 Number of Luminaires: 62
 Avg KW over 5,000 hours: 96.97
 Max KW: 105.4

Guaranteed Performance: The CONSTANT ILLUMINATION described above is guaranteed for the rated life of the lamp.

Field Measurements: Averages shall be +/-10% in accordance with IESNA RP-6-01 and CIBSE LG4. Individual measurements may vary from computer predictions.

Electrical System Requirements: Refer to Amperage Draw Chart and/or the "Musco Control System Summary" for electrical sizing.

Installation Requirements: Results assume +/- 3% nominal voltage at line side of the ballast and structures located within 3 feet (1m) of design locations.

By: Matt Pearson

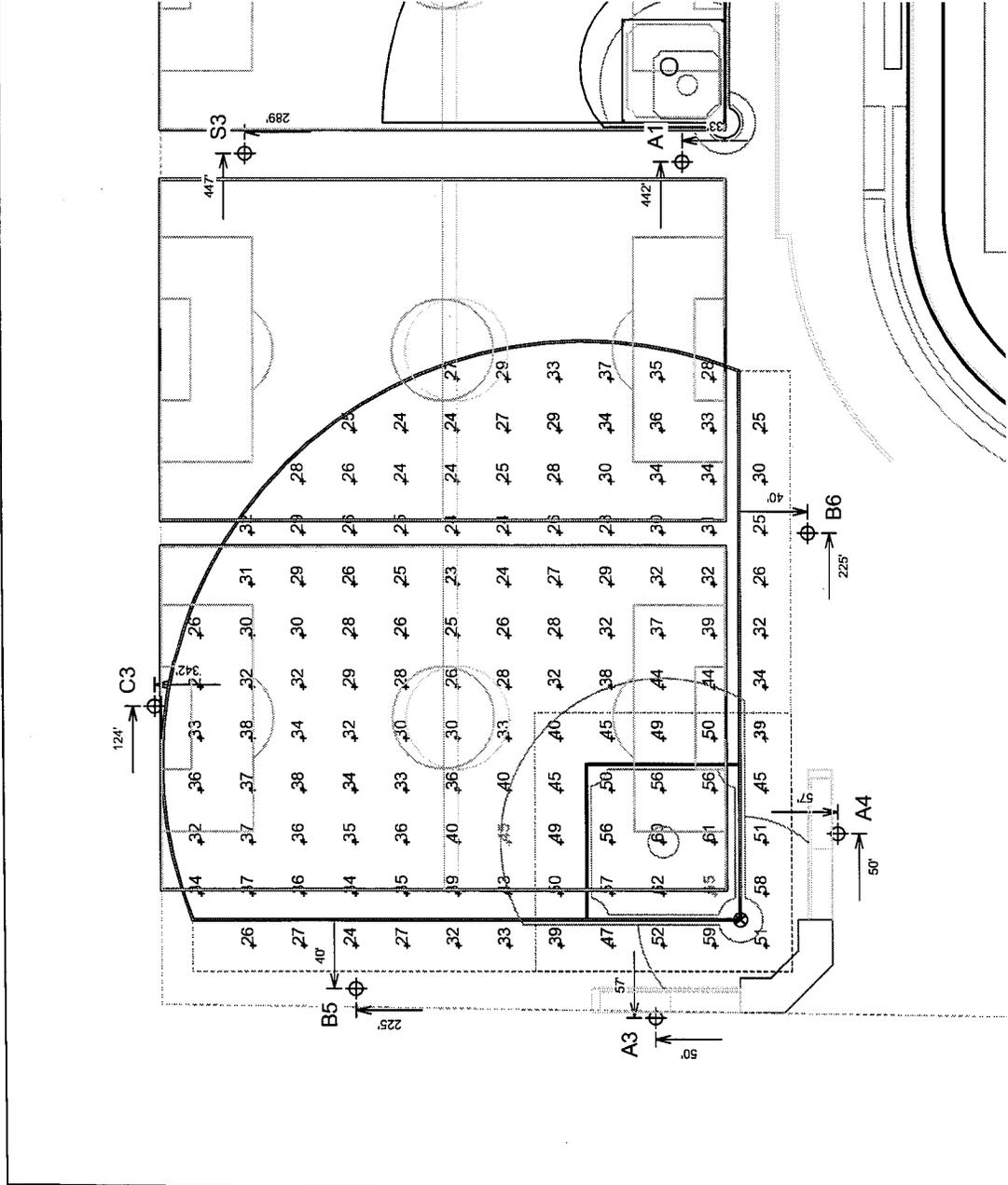
File #: 116066R1

Date: 19-Mar-10

Not to be reproduced in whole or part without the written consent of Musco Lighting. ©1981, 2010 Musco Lighting

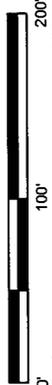
EQUIPMENT LIST FOR AREAS SHOWN						
Pole		Luminaires				
QTY	LOCATION	SIZE	GRADE ELEVATION	MOUNTING HEIGHT	LAMP TYPE	OTHER GRIDS
1	A1	70'	-	70'	1500W MZ	6
2	A3-A4	80'	-	80'	1500W MZ	0
1	B5	80'	-	80'	1500W MZ	0
2	B6, C3	80'	-	80'	1500W MZ	0
1	S3	90'	-	90'	1500W MZ	6
7	TOTALS					12

* This structure utilizes a back-to-back mounting configuration



Pole location(s) ⊕ dimensions are relative to 0,0 reference point(s) ⊗

SCALE IN FEET 1 : 100



Signage Samples

Palmer Trinity School

12/11 ES CHRISTMAS
CHAPEL 830AM
1-3 SCHOOL RESUMES

MERRY CHRISTMAS

A photograph of a stone wall sign for Palmer Trinity School. The sign is made of light-colored, textured stone and features the school's name and founding year. The sign is set against a backdrop of a blue sky with white clouds, green grass, and pink flowers. A black arrow points from the text '23.3 SF' below to the sign.

PALMER TRINITY SCHOOL
EST. 1972

23.3 SF