

Ordered the Village to “take no further action...inconsistent with [their May 5, 2011] Order.” This ruling is included herein as Attachment B. On July 19, 2011, the Village held the public hearing on the remanded Resolution 2010-048, deleted the 30 year prohibition, and struck all references to the 900 student enrollment cap. The Village Council took no further action, thus the Council did not strike the language denying Palmer Trinity's request for an expansion to 1,150 students.

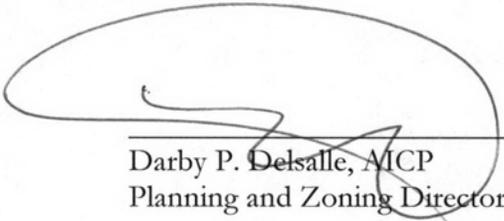
On August 26, 2011, Palmer Trinity, filed a motion to enforce mandate, or in the alternative a request for extraordinary relief, with the Appellate Panel. Palmer Trinity was seeking for the Court to direct the Village to grant the 1,150 Student request. On September 8, 2011, Justice Raoul Cantero filed the Village's request that Palmer Trinity's motion should be considered a new Certiorari Action. Thereafter, on October 14, 2011, the Village filed its opposition to the motion to enforce mandate. The same Appellate Panel, on December 22, 2011, ruled in favor of Palmer Trinity and ruled that any number under 1,150 would not be in compliance with the mandate.

On January 23, 2012, the Village filed a first tiered appeal of the 11th Judicial Circuit, Appellate Panel ruling of December 22, 2011 to the Third District Court of Appeal. The Village argued that requiring the Village Council to grant 1,150 students would have violated clear precedent, *Broward County v. GBV Int'l Ltd.*, 787 So. 2d 838 (Fla. 2001), holding that a court acting in its appellate capacity cannot direct the respondent to enter any particular order or judgment. Moreover, the Village argued that the record reflected competent substantial evidence that supported the Village's conclusion that Palmer Trinity's request to “increase the number of students from 600 to 1,150 was not in compliance with the applicable standards”. The Village also argued that the Appellate Panel's ruling concluded, for the first time, that the Circuit Court's original opinion and previous clarification had required the Village to remove the approval of an expansion to 900 students *and* to approve the application for 1,150 students. The Village argued that the Circuit Court's new interpretation of its prior mandate departed from the essential requirements of law. Nevertheless, on July 5, 2012, the Third District Court of Appeal denied the Village's request for Writ of Certiorari (Attachment A), and affirmed the 11th Judicial Circuit's appellate ruling leaving the mandate in tack.

C. ANALYSIS AND RECOMMENDATION

Pursuant to the mandate of the Third District Court of Appeal, and the 11th Judicial Circuit Appellate Division's mandate referenced above, the only remaining action the Council should take is to grant Palmer Trinity's request for an expansion of 550 students to a total of 1,150 students, as requested in zoning hearing application VPB 07-012-B. The Village is to modify Resolution 2010-48 (as previously amended by Resolution 2011-53) so that it is reflective of the Courts' directive.

Village of Palmetto Bay Zoning Analysis
Palmer Trinity Private School, Inc.
Zoning agenda item: VPB-07-012-B
August 29, 2012
Page 3 of 3



Darby P. Delsalle, AICP
Planning and Zoning Director

1 **WHEREAS**, on April 12, 2011, Palmer Trinity filed its motion to enforce the Court's
2 mandate, as to the two quashed conditions of the May 4, 2010 resolution; and,
3

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

7 **WHEREAS**, subsequently, the Village filed a motion for clarification as to the order
8 enforcing mandate, asking for direction as to the Appellate Panel's direction to hold "further
9 proceedings;" and,
10

11 **WHEREAS**, on June 3, 2011, the Appellate panel responded to the Village's motion for
12 clarification stating:
13

14 "[T]he Court finds that the original opinion in this matter issued February 11, 2011 is
15 clear and unambiguous. The Village of Palmetto Bay shall forthwith commence the
16 required proceedings to remove the two quashed conditions from the Resolution or
17 otherwise render those conditions ineffectual and take no further action that would
18 be inconsistent with the Court's prior Order of May 5, 2011 and this Order."
19

20 and,
21

22 **WHEREAS**, based upon the foregoing direction of the Appellate Panel, solely the two
23 conditions appealed and quashed were to be reviewed by the Village Council. The Appellate Court
24 quashed the Village's two conditions: (1) the 30 year development covenant prohibition and (2) the
25 900 cap on the number of students; and,
26

27 **WHEREAS**, on July 12, 2011, Applicant filed a "Renewed, Emergency Motion To Enforce
28 Mandate, or Alternatively, To Enjoin And Prohibit Respondent from Violating the Express
29 Mandate of the Court;" and,
30

31 **WHEREAS**, on July 15, 2011, the Village filed its opposition to Applicant's "Emergency"
32 motion; and,
33

34 **WHEREAS**, the Appellate Panel, on July 18, 2011, the Appellate Panel denied Applicant's
35 "Emergency" motion, in its entirety, without opinion; and,
36

37 **WHEREAS**, the Village properly noticed, and adhered to its procedural requirements for
38 public hearings, and held the public hearing on July 19, 2011, at Christ Fellowship Church, on the
39 issue of the remanded special exception application, relating to the two appealed items so that the
40 Village Council could take action on the amendment of Resolution 2010-48 (the resolution that was
41 the subject of the certiorari action); and,
42

43 **WHEREAS**, on July 19, 2011, Mayor and Village Council, approved Resolution 2011-53,
44 which amended Resolution 2010-48 which struck the 30 year development covenant prohibition and

1 removed all references to the 900 student enrollment cap leaving in place the denial of the
2 applicant's request of 1,150 students; and,
3

4 **WHEREAS**, on August 26, 2012, Palmer Trinity Private School, Inc., filed a motion to
5 enforce mandate or in the alternative, a request for certiorari review of the July 19, 2011 action of
6 the Council under Resolution 2011-053; and
7

8 **WHEREAS**, on December 22, 2011, the 11th Circuit Appellate Panel granted Palmer
9 Trinity's motion to enforce mandate; and,
10

11 **WHEREAS**, thereafter, on January 23, 2012, the Village filed a first tiered certiorari action,
12 was filed with the Third District Court of Appeal, for discretion review of the December 22, 2011
13 decision of the 11th Circuit Appellate Panel to grant Palmer Trinity's motion to enforce mandate;
14 and,
15

16 **WHEREAS**, during the discretionary appeal the Village argued, *amongst other legal and factual*
17 *issues*, that the Village had adhered to the direction of the 11th Judicial Circuit and that the 11th
18 Circuit Appellate Panel erred in directing the Village to approve 1,150 students as the Court could
19 only remand the matter and could not direct a certain action be taken as any such direction would be
20 contrary to the mandate authority of the Court in a Certiorari action and inconsistent with the
21 holding of *Broward County v. GBV Int'l Ltd.*, 787 So. 2d 838 (Fla. 2001); and,
22

23 **WHEREAS**, on June 22, 2012, the Third District Appellate Panel, consisting of Chief Judge
24 Wells, Senior Judge Schwartz, and Judge Lagoa, held oral argument on the merits of the Village's
25 discretionary appeal; and,
26

27 **WHEREAS**, despite what appeared to be a favorable outcome to the Village during oral
28 argument, the Third District Appellate Panel, in a unanimous decision, on July 5, 2012, denied the
29 Villages Writ of Certiorari, leaving in place the 11th Circuit Appellate determination as to the
30 mandate and motion to enforce the mandate, intact; and,
31

32 **WHEREAS**, it is now incumbent upon the Mayor and Village Council to comply with
33 mandate of the Third District Court of Appeal and the 11th Judicial Court's determination that the
34 Village is to grant the applicant its 1,150 student enrollment request.
35

36 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE**
37 **COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**
38

39 **Section 1.** Resolution 2010-48 [as previously amended by Resolution 2011-53] is hereby
40 attached and incorporated into this Resolution and is so amended to permit a student enrollment
41 not to exceed 1,150 students as requested by the application.
42

43 **Section 2.** This is a final order to further amend Resolution 2010-48 [that had
44 previously been amended under Resolution 2011-53], as it relates to the number of students
45 authorized under the special exception expansion request of Palmer Trinity, to authorize the number

1 of 1,150 students. All other terms and conditions, findings of fact, conclusions of law from
2 Resolution 2010-48, as previously amended by Resolution 2011-53, and all other conditions of those
3 resolutions remain in full force and effect. The twice amended Resolution 2010-048, and Resolution
4 2011-53 shall be attached hereto and incorporated by reference into this final resolution approving
5 the site plan application of Palmer Trinity, with all remaining conditions as provided herein.
6

7 **Section 3.** Record. The record shall consist of the notice of hearing, the applications,
8 documents submitted by the applicant and the applicant's representatives to the Village of Palmetto
9 Bay Department of Planning and Zoning in connection with the applications, the Village
10 recommendation and attached cover sheet and documents, the testimony of sworn witnesses and
11 documents presented at the quasi-judicial hearing, and the tape and minutes of the hearing. The
12 record shall be maintained by the Village Clerk.
13

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

15 **PASSED and ADOPTED** this [] day of August, 2012.

16
17 Attest: _____
18 Meighan Alexander Shelley Stanczyk
19 Village Clerk Mayor
20
21

22 APPROVED AS TO FORM:

23
24 _____
25 Eve A. Boutsis
26 Village Attorney
27
28
29

30 FINAL VOTE AT ADOPTION:

31
32 Council Member Patrick Fiore _____
33
34 Council Member Howard Tendrich _____
35
36 Council Member Joan Lindsay _____
37
38 Vice-Mayor Brian W. Pariser _____
39
40 Mayor Shelley Stanczyk _____
41

1 | RESOLUTION NO 2010-48 (AMENDED 07/19/2011 and 08/29/2012)
2 |
3 |

4 | ZONING APPLICATION VPB 07-012-B

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 | INCLUDE 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 | AND PROVIDING AN EFFECTIVE DATE.
18 |
19 |

20 | WHEREAS, in 2006 the applicant made an application for (1) a rezoning of 8001 SW 184th
21 | Street from AG and E-2 to E-M; (2) a special exception to expand the existing private school
22 | located at 7900 SW 176th Street with 600 students, onto the adjacent property known as 8001 SW
23 | 184th Street with 32.2 acres, and 1400 students; (3) a site plan modification of the approved 1999
24 | plan for 7900 SW 176th Street to include the elements under request (2); (4) a non-use variance of
25 | height limitations on the gymnasium performing arts center and chapel to allow structures over 56
26 | feet, where 35 feet is permitted; (5) a non-use variance to allow three stories for an administrative
27 | building, where two stories is permitted; and (6) a non-use variance to allow parking on natural
28 | terrain. This application is described in the Village's Department of Planning and Zoning
29 | Recommendation from 2008, as issued by Ms. Arleen Weintraub, the then Planning & Zoning
30 | 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 the
33 | Applicant's rezoning request was denied, and the remainder of their requests were not ruled upon;
34 | 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 adopted,
41 | 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 have
44 | been modified prior to hearing and a substituted plan dated April 19, 2010 is to be reviewed by the
45 | 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 SW
3 184th Street with an increase in student population of 1150 (reduced from the original 1400 request);
4 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-judicial
9 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 amended
14 by Council Action, is consistent with the Village's Comprehensive Plan and the applicable land
15 development regulations; and,
16

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

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

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

29 Section 2. Findings of fact.

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

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

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

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

1
2 Page 57, line 14 – 1999 hearing Transcript:
3

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

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

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

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

35 The original 2008 application contained variance requests for height and number of stories to allow
36 a maximum height of 50'-7" for certain proposed new buildings to include a chapel, a performing
37 arts center, a library/media center/administration building and a gymnasium where 35 ft. is
38 permitted, as well as to allow three (3) stories where two (2) is permitted for the library/media
39 center/administration multi-purpose building. These requests were eliminated and withdrawn from
40 the April 19, 2010 plan.
41

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

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

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

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

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

42 | ~~DERM~~DERM [PERA] had no objections, subject to conditions stated in their report. Miami-Dade
43 Public Works Department raised issues and stated their objections in their report and those
44 objections have been addressed by Applicant. The Village's Traffic Consultant, The Corradino
45 Group, has issued recommendations that are incorporated by reference by staff as conditions to

1 approval of the application. The Miami-Dade County Parks & Recreation department issued
2 objections relating to the Bill Sadowski Park and those comments are incorporated by reference.
3 Fire Rescue's report is also incorporated by reference. The Miami-Dade Police Department (Village
4 Policing Unit) has no objections.
5

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

16 The Miami-Dade County Archeological and Historical Department has requested a survey during
17 phase 1, as archeological artifacts have been discovered in the Bill Sadowski Park.
18

19 The Planning and Zoning Staff Analysis Report is incorporated by reference herein, as part of the
20 factual record for the Village Council's decision as Exhibit A to this resolution.
21

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

29 Prior to Council deliberation and action Counsel for Applicant advised that it accepted all conditions
30 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
31 student population above 1150 for 30 years but requested the right to increase structures, lot
32 coverage or intensity of uses. Applicant's counsel agreed to Phase 1 construction to include
33 improvements to SW 184th Street. Mr. Price argued that the berm requirement and contiguous use
34 of the walking and maintenance paths, found at condition 7.3 was inconsistent with the landscape
35 plans proposed and inappropriate. He also requested that condition 8.9 of staff's recommendations
36 relating to the use of the SW 176th Street entrance be modified so that the entrance could remain
37 open after proposed hours for four events per school year.
38

39 The Council held a public hearing and many residents and community members spoke both in favor
40 and in opposition to the application. The Council heard testimony relating to traffic, noise, number
41 of students, field usage and affects of that usage, environmental concerns, and other topics. The
42 Council incorporates by reference the minutes, audio tape, and transcript (if transcribed) into its
43 findings of fact.
44

1 Section 3. Conclusions of law.

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

4
5 ~~2. The standard of review for a special exception is found at 33-151, et seq., of the~~
6 ~~Miami-Dade County Code. The Applicant's request for a special exception to expand onto 8001~~
7 ~~SW 184th Street and to increase the number of students from 600 to 1,150 is not in compliance with~~
8 ~~the applicable standards. However, the Applicant's request for a special exception to expand onto~~
9 ~~8001 SW 184th Street from 7900 SW 176th Street, and to increase the number of students from 600~~
10 ~~to 900 is in compliance with the applicable standards. The Village Council found the appropriate~~
11 ~~number of students for expansion to be 900, and provided the conditions delineated below to also~~
12 ~~be implemented.~~

13
14
15 ~~3.2.~~The standard of review for a site plan modification is found at section 33-311(A)(7),
16 of the Miami-Dade County Code. The Applicant's request for site plan modification is in
17 compliance with the applicable standards, as amended below.

18
19 Section 4. Order.

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

30
31 B. The Village Council conditions/modifies the site approval/special exception as
32 follows:

33
34 1. All variance requests from the 2008 plans are specifically recognized as withdrawn.
35 This includes all height, story and natural terrain parking variances. The 2008 plan included a steeple
36 up to 70 feet in height. No variance was needed for the steeple; it would have been permitted, as of
37 right. The Applicant has voluntarily withdrawn its request for a steeple/church tower and said
38 request is considered withdrawn.

39
40 2. The special exception to expand the non-public school use onto 8001 SW 184th
41 Street is approved with conditions.

42
43 3. The request to increase the non-public school number of students to 1150 is
44 approved ~~denied~~. ~~A condition to allow expansion to 900 students is granted.~~

1
2 4. Preliminary Conditions:
3

4 4.1 The Applicant shall execute a unity of title document to be recorded in the public
5 records of Miami-Dade County, which unity of title shall covenant (or provide a covenant in lieu of
6 unity of title) the property holder(s) to join the parcels together [7900 SW 176th Street and 8001 SW
7 184th Street] as one parcel, in a form approved by the Village Attorney, consistent with the
8 requirements of the Village's Land Development Code². The covenant shall be in final form for
9 recording within 45 days of final approval. No permits shall issue until the covenant/unity of title is
10 recorded.
11

12 4.2 The Applicant shall record an acceptable and approved restrictive covenant running
13 with the land for specific conditions, which covenant shall exist for 30 years, and automatically
14 renew for 10 year periods, thereafter.
15

16 4.3 Any substantial modification [pursuant to 30-30.3(c) of the Village's Code of
17 Ordinances] or abandonment of the attached site plan shall require public hearing. The term
18 "substantial modification" for the purposes of this approval shall mean a modification or substitute
19 site plan of equal or lesser intensity, including floor area ratio, lot coverage, square footage, and
20 height; and provide equal or greater setbacks, buffering, landscaping, and amenities. In no way shall
21 student enrollment be expanded due to a substantial modification review.
22

23 4.4 ~~Reserved. Cap of Intensity of Uses and Student Population. Applicant shall limit~~
24 ~~future development and agrees that it shall not seek any further development approvals to increase~~
25 ~~the intensity of uses, to increase lot coverage, square footage, heights of structures, or exceed 900~~
26 ~~students for 30 years following the recording of this covenant. Specifically, no buildings shall exceed~~
27 ~~two (2) stories or a roof elevation of 35 feet in height measured from finished floor.~~
28

29 4.5 Student Enrollment Defined and Reporting. Applicant shall not exceed 1,150
30 students in enrollment. Applicant shall not exceed 900 students in enrollment. Applicant agrees to
31 submit an executed affidavit from the Headmaster of the School each year to the Village Manager,
32 within 30 days of the first day of the applicable school year, identifying the number of students
33 enrolled for the academic school year and attesting the number of students enrolled in the school.
34 This information shall be provided to the Village, annually, for as long as a school is located on the
35 site. Applicant agrees and acknowledges that the "maximum number of students" shall mean the
36 actual number of students enrolled at the school as reported to the State of Florida and the Florida
37 Council of Independent Schools and shall not be the daily average attendance, nor exclude any
38 students that may be traveling/studying abroad. The Applicant shall provide a copy of the FCIS to
39 the Village once it becomes available. The maximum number of students shall include all student
40 transfers during the school year. Any increase in students enrolled at the school after the initial

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 annual enrollment is disclosed shall be reported to the Village within five (5) business days of the
2 event.

3
4 4.6 Should Applicant violate section 4.5 relating to the number of students enrolled by
5 exceeding 900, and should Applicant fail to cure the excess enrollment within 30 days of written
6 notice, such an act shall constitute a false statement or misrepresentation of fact that would permit
7 the Village to revoke the most recent building permit or certificate of occupancy issued by the
8 Village.

9
10 4.7 ~~Reserved.~~ Student expansion shall comply with the timetable provided, attached hereto as
11 Exhibit "C" [formerly Exhibit 7 to the May 4, 2010 hearing item PH-VPB-07-012B] to this
12 resolution, but modified to reflect the actual start date of this final order. ~~Student expansion shall~~
13 ~~comply with the timetable provided, attached hereto as Exhibit "C" [formerly Exhibit 7 to the 5-4-~~
14 ~~2010 hearing item PH-VPB-07-012B] to this resolution, but modify the timetable to reflect the~~
15 ~~number of students approved herein at Section 4.4.~~

16 ~~Instead of having the increase of 300 students by year eight of the Exhibit "C", there would~~
17 ~~be an increase of 300 students by the earliest of year 15 under Exhibit "C."~~

18
19 4.9 Community Relations Committee. The Applicant shall create a Community
20 Relations Committee that will be charged with the responsibility of facilitating future discussions
21 with neighbors (properties within 2500 foot radius) in an effort to avoid or resolve potential disputes
22 between the Applicant, the neighbors, and the Village. The Applicant agrees to cooperate and act in
23 good faith with the Community Relations Committee. The Committee shall be a voluntary group,
24 with three (3) representatives from the Applicant, and three (3) representatives from the
25 neighborhood, as selected by the Village Council, and a representative from the Village Manager's
26 Office. The group shall meet as needed, but not less than twice a year (once every six (6) months).
27 The Village shall be provided with prior written notice of all such meetings, if possible at least two
28 weeks in advance of any such meeting(s). The actions of the group shall not be binding. Rather, the
29 group meetings are intended to be a mechanism for communication, discussion, and resolution of
30 any items.

31
32 4.10 The Applicant agrees and affirms that there will be no objection now or in the future
33 to controlled burns conducted by Miami-Dade County at Bill Sadowski Park for the park's
34 management. The Village will attempt to coordinate with Miami-Dade County to provide the
35 Applicant with prior notice of controlled burns. The Applicant further agrees not to interfere, due
36 to lighting issues, with night program schedules for Bill Sadowski Park.

37
38 4.11 The Applicant shall comply with all applicable State, County, and Village Codes and
39 Ordinances, including but not limited to the Village's Art in Public Places Ordinance.

40
41 4.12 Unpermitted and unconstructed portions of prior development approvals (1999
42 plans, 2000 and 2010 substantial compliance reviews) shall be considered withdrawn and abandoned.
43 The Applicant shall comply with condition 5.10 relating to the portables.

1 4.13 An official inspector of the Village, or its agents duly authorized, have the privilege,
2 at any time during normal working hours, of entering and inspecting the use of the premises to
3 determine whether or not the requirements of the building and zoning regulations and the
4 conditions contained herein are being complied with. Village Code Compliance shall conduct bi-
5 annual inspections, with Applicant, for compliance with the terms and conditions of this zoning
6 resolution.

7
8 4.14 Applicant shall comply with the Land Development Regulations for maintaining the
9 sanitary sewer concurrency levels, during construction and throughout operations.

10
11 4.15 In compliance with the requirements of Section 33-151.51, of the County Code, the
12 Applicant shall record a covenant running with the land that ensures compliance with the minimum
13 footage requirements, calculations and conditions upon which the additional square footage has
14 been permitted.

15
16 5. Pre Construction – Construction – Build Out Conditions:

17
18 5.1 All components of the approved site plan shall be completed according to the
19 schedule attached hereto, which provides that the approved construction shall not be completed
20 earlier than 15 years and no later than 25 years from the date of zoning approval. The Preliminary
21 Construction Schedule for Phase 1 is enclosed as Exhibit D [formerly Exhibit 6 to the 5-4-2010
22 hearing item PH -VPB- 07-012B] to this resolution. This recommendation is consistent with the
23 newly adopted Land Development Code, Section 30-30.2(d)(16) and (k), relating to requiring a
24 construction plan and timetable.

25
26 ~~5.2 Staggering of Student Population. The increase in student population to 1150~~
27 ~~shall occur incrementally over the entire term of the project. Staggering of Student population.~~
28 ~~The increase in student population to 900 shall occur incrementally over the entire term of the~~
29 ~~project.~~

30 ~~5.35.2 Reserved.~~

31
32 ~~5.45.3 Construction Staging:~~

33
34 ~~5.4.15.3.1 The Applicant shall annually submit a construction staging plan for review~~
35 ~~and approval prior to commencement of construction. Phase 1 is enclosed as Exhibit D.~~
36 ~~Council approved additional conditions for Phase 1, which are found below.~~

37
38 ~~5.4.25.3.2 Construction staging shall take place as preapproved by the Village's~~
39 ~~Planning & Zoning and Building Directors, on the property known as 8001 SW 184th Street,~~
40 ~~where possible, toward the center of the property, away from the proposed 75 foot buffers.~~

41
42 ~~5.4.35.3.3 Construction trailers for staging area are permitted under the Village's Code.~~

43
44 ~~5.4.45.3.4 The staging area may be cleared during Phase 1 of the construction plan.~~

1 | 5.4.55.3.5 Construction shall comply with the noise controls provided in the Village's
2 | Code of Ordinances, section 30-60.29.

3 |
4 | 5.4.65.3.6 The driveway area may also be cleared during Phase 1.

5 |
6 | 5.4.75.3.7 Access points by construction vehicles shall be identified as part of the
7 | Construction Plan for Village approval. No construction vehicle shall access through the
8 | neighborhood. Unless necessary for a specific item, no construction vehicles shall access
9 | through SW 176th Street. All other construction vehicles must use SW 184th Street once that
10 | entrance is constructed under the Phase 1 Construction Plan.

11 |
12 | 5.55.4 Permitting and Property Clearance. The Applicant shall not remove any trees
13 | outside the 75 ft. buffer, unless a building permit and/or tree removal permit, if required, has been
14 | secured for the construction of the work being requested. At no time shall the entire 8001 SW 184th
15 | Street site be cleared all at once.

16 |
17 | 5.65.5 Construction Air Quality Management Plan. The Applicant shall provide a
18 | Construction Air Quality Management Plan on the construction drawings that, at a minimum,
19 | includes protecting ducts during construction and changing the filters and vacuuming ducts prior to
20 | occupancy. The submitted plans must note compliance with this provision.

21 |
22 | 5.75.6 MOT Plan. A construction and Maintenance of Traffic (MOT) Plan shall be
23 | provided to the Building and Public Works Departments for approval.

24 |
25 | 5.85.7 The Applicant shall comply with the Village's demolition and construction
26 | fencing ordinance.

27 |
28 | 5.95.8 The entrance and roadway onto 8001 SW 184th Street may be constructed
29 | prior to any other improvements. However, the required perimeter walls (eastern and western
30 | property lines) and 75 ft. buffers, to be located at 8001 SW 184th Street, with required landscaping
31 | shall be installed and/or constructed prior to the commencement of construction of any additional
32 | structures or improvements. The wall shall be constructed, and then the buffer shall be installed, no
33 | later than two (2) years of receiving the final zoning approval. One extension of time, not to exceed
34 | six (6) months, may be granted by the Planning & Zoning Director, upon a showing of good cause.
35 | "Good cause" would include timely request for permits, submitting for inspections and reviews,
36 | diligent efforts to adhere to the construction schedule, and force majeure type events (weather
37 | delays or civil unrest).

38 |
39 | 5.105.9 The Applicant shall work with the Village and County to install "Do not
40 | Block Intersection" signs along SW 184th Street from SW 82nd Avenue to Old Cutler Road.

41 |
42 | 5.115.10 The existing portable classrooms trailers located along the western edge of
43 | 7900 SW 176th Street shall be eliminated as soon as replacement facilities are constructed, and within
44 | 18 months after final zoning approval. One extension of time, not to exceed six (6) months, may
45 | be granted by the Planning & Zoning Director, upon a showing of good cause. "Good cause" would

1 include timely request for permits, submitting for inspections and reviews, diligent efforts to adhere
2 to the construction schedule, and force majeure type events (weather delays or civil unrest).
3

4 5.11 Failure to construct the replacement facilities for the portables described at section
5 5.10 within the time period provided therein shall require that the portables be removed immediately
6 upon the expiration of the 18 month period. One extension of time, not to exceed six (6) months,
7 may be granted by the Planning & Zoning Director, upon a showing of good cause. "Good cause"
8 would include timely request for permits, submitting for inspections and reviews, diligent efforts to
9 adhere to the construction schedule, and force majeure type events (weather delays or civil unrest).
10 Failure to remove the portables shall also result in the denial of future permits due to site plan
11 violations in addition to any other remedy provided below under Section 15, "Enforcement."
12

13 5.12 During Phase 1 of construction and within two (2) years of approval, the Applicant
14 shall install the recommended turning lane contained in condition 8.11(a) ["Old Cutler road/SW
15 184th Street – Add a southbound right turn lane; signal phasing adjustments"].
16

17 6. Athletic Fields and Amenities:
18

19 6.1 The Applicant shall not use the athletic fields for commercial purposes such as
20 renting, leasing, or allowing third-parties unaffiliated with the operation of the school (no third-party
21 organizations or groups) to use the recreational facilities. Applicant shall annually provide proof of
22 existing division-type play, tournaments, organized sports and uses of its facilities to the Village.
23 Prior to the beginning of each season, for each sport, the Applicant shall provide the Village with a
24 list of proposed events – tournaments and league play.
25

26 6.2 The Applicant shall submit a proposed list of school special events planned for each
27 school year to the Village Manager not later than August 15th of the applicable school year for
28 Village administrative review. Any other/additional special event shall require advanced notice for
29 review as a special event under the Village's procedures. A police officer, or equivalent, shall be
30 required to be present at all special events held at the school, if required by the Village's Code, after
31 review as a special event permit.
32

33 6.3 Solely one (1) athletic tournament, jamboree, or division-type play (where numbers
34 of spectators and opposing team(s) are invited to play on site) shall take place at one time on the
35 property (7900 SW 176th Street through 8001 SW 184th Street). To be clear, this condition relates to
36 holding one event. Not several events, different sports, at same time. Any athletic tournaments,
37 etc., may take place after normal school operating hours (after 3:00 p.m.) and weekends from 10:00
38 a.m. and 3:00 p.m.
39

40 6.4 No bleachers shall be located adjacent to the eastern and western buffers of 7900
41 SW 176th Street and 8100 SW 184th Street. Adjacent shall mean not within 20 feet of the buffers.
42

43 6.5 The Applicant shall provide fencing for the tennis center.
44

1 6.6 The Applicant shall not install lighting for outdoor uses other than the parking areas,
2 and any emergency lighting requirements of the Code. The interior of the pool may contain lights.
3 Lighting of the athletic fields is prohibited.
4

5 6.7 The pool shall be enclosed with a fence and hedge with a minimum height of six feet
6 (6 ft.) and comply with the safety barrier requirements of 33-151.11 through .22 of the Code. Any
7 interior chain link fencing shall be poly-coated vinyl and black or green in color. The pool shall not
8 be constructed during Phase 1 and is not to be constructed for at least five (5) years after final
9 zoning approval.
10

11 6.8 The Applicant shall comply with conditions 4.10 and 10.4 relating to lighting and Bill
12 Sadowski Park.
13

14 7. Landscaping:
15

16 7.1 The Applicant shall meet all the minimum requirements of Division 30-100 of the
17 Village's Code of Ordinances, Chapter 24 of the Miami-Dade County Code and specifically comply
18 with all conditions imposed by Miami-Dade County ~~DERM~~DERM [PERA].
19

20 7.2 The Applicant shall covenant that no improvements, other than as provided for in
21 recommendation 7.3, shall be permitted within the confines of the buffer area (i.e. no roads, parking,
22 storage sheds, recreational, sports, or any other use that may negatively impact the buffer).
23

24 7.3 The buffer shall be landscaped in accordance with the Applicant's revised landscape
25 plan received by the Village on April 19, 2010. In addition, the Applicant shall construct a three and
26 a half foot (3.5 ft.) berm on the interior, internal to the site, adjacent to the six foot (6 ft.) CBS wall
27 to be constructed along the eastern and western perimeter of 8001 SW 184th Street. The berm shall
28 be approved by the Planning & Zoning staff as part of the landscape plan review. The landscape
29 buffer, as indicated on Sheet 39, shall be installed along the entire eastern and western perimeter
30 throughout the 75 foot buffer for the area known as 8001 SW 184th Street. The berm shall be
31 incorporated into the buffer design, found at Sheet 39 (maintenance path shall be reduced in width
32 as provided in these conditions). The layout found at Sheet 39 shall not be limited to solely the
33 parking area adjacent to the buffer, but rather throughout the buffer fringe – creating a solid hedge
34 along the interior edge of the buffer.
35

36 7.4 The eastern and western buffers along 8001 SW 184th Street may contain a
37 meandering pedestrian path, within the innermost/interior 25 feet of the 75 foot buffer. The
38 Applicant shall limit the meandering walking path to a maximum width of six feet (6 ft.). The
39 pedestrian path shall solely be used for pedestrian/walking/ running purposes.
40

41 7.5 Where practicable, the maintenance path and the meandering walking path shall be
42 the same path, along the eastern and western buffers for 8001 SW 184th Street. Final
43 determination/approval of "where practicable" shall be made by the Village's Planning & Zoning
44 Director. Otherwise, the maintenance path shall be limited to a maximum width of eight feet (8 ft.)
45 and should be used solely for maintenance purposes. The Maintenance portion of the "joint-path"

1 shall not be paved [the increase to eight (8) feet – a two-foot non-paved area surrounding the six
2 foot (6 ft.) pedestrian path]. All other buffers shall solely contain an unpaved, up to eight (8) foot
3 maintenance path.
4

5 7.6 The eastern and western perimeters of 8001 SW 184th Street shall contain a concrete
6 wall six feet (6 ft.) in height, finished on both sides and maintained by the Applicant. The southern
7 boundary at SW 184th Street and northern boundaries at SW 176th Street shall provide a six foot (6
8 ft.) wrought iron fence with masonry columns. The eastern and western perimeters of 7900 SW
9 176th Street already contain a six foot (6 ft.) concrete wall that shall be required to be maintained, on
10 both sides.
11

12 7.7 The Applicant shall provide and/or replace landscaping improvements along SW
13 184 Street and SW 176 Street fronting the school in compliance with the Village's Street Tree Master
14 Plan prepared by O'Leary Richards Design Associates, Inc., and in coordination with the Village's
15 Public Works and Planning & Zoning Departments.
16

17 7.8 The Applicant shall preserve existing trees (including native trees) during the
18 development of the project, wherever possible. If the trees must be removed, the Applicant shall be
19 | required to mitigate the impact in accordance with Village and DERM [PERA] requirements. If the
20 | relocated trees do not survive, the Applicant shall be required to replace the trees in compliance with
21 | DERM [PERA] and Village requirements.
22

23 7.9 The Applicant shall install additional oaks and planting materials on the northwest
24 perimeter of buildings no. 16 and 18 in order to provide additional screening to the adjacent
25 neighborhood located on the western boundary of the property. The Applicant is to provide two
26 (2) native trees and a cluster of palms.
27

28 7.10 The pool area shall be landscaped as provided under section 6.7, above.
29

30 7.11 The Applicant shall prohibit parking by faculty, visitors, and students on the rights-
31 of-way bordering the school by planting and maintaining landscaping along the rights-of-way in
32 accordance with Village requirements. The Applicant shall work with the Village and County to
33 install "No Parking" signs for the right-of-way along SW 176th Street and SW 184th Street.
34

35 7.12 Applicant shall maintain the areas identified herein as "buffer" and shall be required
36 to perpetually maintain the landscaping within the buffer with the identified native species and other
37 plantings provided in the landscape plan. At no point shall structures be constructed within the
38 buffer area. The buffer shall consist of the 75 foot set aside along the east, west and southern
39 perimeters of 8001 SW 184th Street; and the 50 foot set aside along the east, west, and northern
40 perimeters of 7900 SW 176th Street.
41

42 7.13 Applicant shall provide annual update, plan, as to the maintenance for the buffer
43 areas.
44

1 7.14 Buildings 16 and 18 shall require Live Oak trees, or comparable trees, every 20 feet
2 on center for the length of the structures. Each tree shall have an overall height of 16 feet. For
3 Building 16 the trees shall be planted along the west façade and for Building 18 along the east
4 façade.
5

6 8. Traffic:
7

8 8.1 The Applicant shall be responsible for compliance with the Land Development
9 Regulations relating to traffic concurrency requirements.
10

11 8.2 The Applicant shall hire one (1) police officer, or equivalent, during regular session,
12 (per entrance) to control traffic during peak morning and afternoon school hours for each entrance
13 to the school (SW 176th Street and SW 184th Street). The school shall also utilize a police officer for
14 special events, as is required under condition 6.2.
15

16 8.3 The Applicant shall install traffic calming devices along the internal circulation
17 driveways and roadways in compliance with the Site Plan and Traffic Study prepared by David
18 Plummer & Associates, Applicant's traffic expert.
19

20 8.4 The Applicant shall control the entry points to the school by directing student,
21 teacher, and staff vehicles to enter and exit the school from SW 184 Street driveway. The entrance
22 to SW 176th Street shall solely serve as the drop-off and pick-up location for students. This process
23 will be implemented through a decal program. The different color decals will be distributed and
24 assigned to a specific driveway. The security gatehouse at each driveway will monitor for proper use
25 of the decal. Violators shall be contacted by the school master and security to ensure proper
26 enforcement.
27

28 8.5 The Applicant shall fund a series of peak hour intersection turning movement
29 counts, and 72 hour link counts to be taken by the Village along SW 176 Street and at the school
30 driveway entrance on that street. These are to occur on a random basis once each semester of
31 school operations in perpetuity at the discretion of the Village.
32

33 8.6 If either the 1370 trip daily volume or 960 combined trip volume peak thresholds are
34 violated, the Applicant will be notified in writing and be required to enact measures to bring the
35 traffic volumes into compliance. To do so, the Village will require the school to propose at least
36 three (3) mitigative measures that would be enacted should the situation arise. Some of the
37 mitigation measures that could be considered are color coded decal system (see condition 8.4);
38 limiting access to/from SW 176th Street to the east only; license plate numbers entrance assignment;
39 lottery assignment; controls/prohibitions/signing; and, closing internal roads so driveway entered
40 must be exited. If the corrective action is not implemented within three (3) weeks of the school
41 being noticed of the violation, the Village will require the entrance be closed until corrective action is
42 implemented by the school. The Village will then verify that the actions to correct the violation are
43 working through additional Village traffic counts paid for by the School.
44

1 8.7 The Applicant shall keep the entrance to SW 176th Street closed to vehicular traffic
2 on weekends, holidays and all days when school is not in regular session.
3

4 8.8 The SW 176th Street entrance shall not be used for the delivery of goods or services
5 to the school or by commercial vehicles. All buses and vans used to transport students to and from
6 the property shall use SW 184 Street as ingress and egress.
7

8 8.9 The SW 176th Street entrance shall be closed at 7:00 p.m. everyday.
9

10 8.10 The Applicant shall develop an alternative transit mode feasibility program within
11 three (3) years after receiving the zoning approval. The program should provide incentives for the
12 student to use alternative mode of transportation such as carpool, public transportation or private
13 mass transit to get to and from school.
14

15 8.11 The Applicant shall be responsible for implementing the following mitigation
16 initiatives, as delineated in the David Plummer & Associates Report (Applicant's traffic expert),
17 dated April 22, 2010:
18

19 (a) Old Cutler Road/ SW 184 Street – Add a southbound right turn lane; signal phasing
20 adjustments.

21 (b) SW 184 Street at the project driveway – Construct an eastbound left turn lane.

22 (c) SW 184 Street at the project driveway – Construct a westbound right turn lane.

23 (d) Provide one off-duty police officer at each driveway during morning drop-off and
24 afternoon pick-up periods to monitor/control traffic.
25

26 8.12 Applicant shall be responsible for all expenses relating to traffic control, police
27 involvement, and police participation in traffic movements (the traffic plan). The traffic plan
28 relating to the daily school use and/or for any special events at the school for the roadways shall be
29 subject to approval of Village Police Department and Village Police Officers are to be hired by and
30 paid for by Applicant to manage traffic at entrance(s) to school and off-site locations affected by
31 traffic conditions.
32

33 8.13 Applicant shall install a “No Left Turn” sign at the exit to SW 176th Street and shall
34 preclude left-hand turns onto SW 176th Street, westbound, from the Applicant's SW 176th entrance.
35 This condition shall be required, at a minimum, during peak hours.
36

37 8.14 If vehicle stacking/queuing spills-over onto SW 176th Street, the applicant shall be
38 required to provide additional on-site stacking to accommodate the spill-over. This would require a
39 modification of the circulation plan, which shall be reviewed by the appropriate Village Departments
40 for Compliance. The Applicant shall not be required to obtain Council approval to make the
41 necessary stacking related, circulation modifications to the interior of the property.
42

43 8.15 Applicant shall comply with the “safe routes to school” requirements of 1006.23,
44 Florida Statutes.
45

1 8.16 Applicant shall install public sidewalks within the Rights-of Way fronting Applicant's
2 properties – 7900 SW 176th Street and 8001 SW 184th Street, after receiving approval from the
3 appropriate governmental agencies (County and Village).
4

5 8.17 The Village shall bi-annually (every six (6) months) test to ensure that there is a
6 limitation of neighborhood cut-through traffic. The Village shall analyze the traffic data and
7 determine corrective measures to limit such cut-through traffic. Based upon the testing, the Village
8 shall implement such corrective measures needed to enforce the Village's goal (for example,
9 installing no turn signs at certain hours, etc.). This is an obligation of the Village.
10

11 8.18 As part of Phase I, per exhibit D, the Applicant shall complete the turning lanes at
12 the new SW 184th Street entrance.
13

14 9. Parking Related Conditions
15

16 9.1 Comply with condition 7.11 relating to precluding right-of-way (ROW) parking.
17 | Cross-reference with section 7.39, above.
18

19 9.2 No parking of vehicles in any of the interior buffers to the property (7900 SW 176th
20 Street or 8001 SW 184th Street).
21

22 9.3 The Applicant shall install pavers in the parking lot to minimize the stormwater
23 runoff impacts, rather than asphaltting the entire parking area, in compliance with Section 28-6(b)(1),
24 of the Village's Code of Ordinances.
25

26 9.4 No loud radios shall be allowed within the parking areas of the entire site.
27

28 9.5 Lighting shall be consistent with conditions 10.2 and 10.3, below.
29

30 9.6 That the Applicant shall maintain a sign prohibiting bus traffic, bus parking, student,
31 faculty or visitor parking along the swales/entrances to the Applicant's property.
32

33 9.7 Proposed installation of 48 sable palms to be planted in the northwestern corner of
34 8001 SW 184th Street shall be replaced with Live Oak Trees, or other trees acceptable to the Village,
35 as the Oaks shall reduce the "heat island effect," shall enhance the buffering of the site, and increase
36 the tree canopy for the site. The landscaping for the parking lot shall be reviewed at permitting by
37 the Planning and Zoning Department as to the number and type of trees.
38

39 9.8 A continuous hedge shall be incorporated around all parking areas and shall meet all
40 | requirements of Chapter 18A, subsections (I) and (J), of the Miami-Dade County Code.
41

42 9.9 Applicant is not to create any additional, unimproved, temporary or permanent
43 parking areas on the property.
44

45 10. Lighting & Energy:

1
2 10.1 The Applicant shall not install lighting for outdoor use other than for parking and/or
3 Code required emergency lighting. The interior of the pool, below the water surface, may contain
4 lights.
5

6 10.2 Applicant shall install and maintain parking area light fixtures which project the light
7 rays directly to the parking surface, and shall include shields which restrict projection of light rays
8 outward to adjacent properties and also restrict the upward projection of light rays into the night
9 sky. Outdoor parking lot area light fixtures shall not cast more than 1/2 ft. candle at the property
10 line.
11

12 10.3 The parking lot lights and all other outdoor lighting (whether for security, roadway
13 or parking) should have a maximum overall height of 15 feet.
14

15 10.4 The Applicant shall not interfere with night programming at Bill Sadowski Park and
16 no athletic field lighting shall be permitted so as preclude adverse effects to the night programming
17 at the Park and residential community.
18

19 10.5 The Applicant shall be required to comply with the conditions of Section 28-6, of
20 the Village's Code of Ordinances relating to the "Minimum Green Standards" (relating to LED
21 lighting, pavers, energy saving fixtures and water conservation).
22

23 10.6 The Applicant shall provide roof location in those structures with flat roofs to install
24 conduit from the electrical room for future Photovoltaic System (PV) installation. A minimum of
25 300 sq. ft. or larger of roof area in a south or west direction shall be dedicated and clear of vent
26 pipes and other obstructions to allow for the installation of a future PV system. The submitted plans
27 must note compliance with this provision.
28

29 10.7 The parking lot and internal circulation lights shall be placed on a timer consistent
30 with the termination of operational hours and consistent with applicable codes.
31

32 11. Noise:
33

34 11.1 Noise emanating from athletic fields and bleachers shall not generate a direct sound
35 pressure level in excess of 65 decibels at the school's boundaries, as provided under the Village's
36 Code Section 30-60.29, as may be amended. The Village will notify the school and the Community
37 Relations Committee of any violations of the noise ordinance. The Village and Applicant will
38 immediately work together to develop corrective action(s). If the corrective action(s) is/are not
39 implemented within three (3) weeks of its adoption, the Village will require that all after-hours field
40 activities be temporarily postponed until the corrective actions are implemented by the school.
41

42 11.2 The Applicant shall install and maintain signs reading: "No radios beyond this point"
43 at the guard house or other location approved by the Village's Planning & Zoning Department. Any
44 student found by the Applicant's administration to have violated the sound restriction, after a
45 warning, would be disciplined within the Palmer Trinity Rules and Procedures.

1
2 11.3 At 7900 SW 176th Street, the Applicant shall ensure bells, pulses, buzzers, or other
3 sounds to signal class times during school operating hours on days when school is in session shall
4 not generate a direct sound pressure level in excess of 65 decibels above ambient sound measured by
5 the A-weighted scale at the school's boundaries, as provided under the Village's Code, Section 30-
6 60.29, as may be amended.

7
8 11.4 At 8100 SW 184th Street, the Applicant shall use digital signage system or other non-
9 noise devices approved and recommended by the American with Disability Act (ADA) and the
10 ADA Standards for Accessible Design, to signal change of class times and announcements.

11
12 11.5 Any temporary public address speaker system or similar amplified sound device in
13 the athletic fields shall not be operated between the hours of 5:00 p.m. and 10:00 a.m. (Monday thru
14 Friday). On Saturday, the temporary public address speaker system or similar amplified sound
15 device in the athletic fields shall not be operated between the hours of 2:00 p.m. and 10:00 a.m. The
16 temporary public address speaker system shall be used in compliance with the Village's noise
17 Ordinance 30-60.29, as amended, and shall not generate a direct sound pressure level in excess of 65
18 decibels at the school's boundaries.

19
20 11.6 Code Compliance shall bi-annually (every six months) test the noise levels of the
21 Applicant's property from various locations and report back to the Community Relations
22 Committee. The Applicant shall work with Code Compliance and the Committee to cure any
23 violations of the Village's noise ordinance.

24
25 12. Environmental:

26
27 12.1 The Applicant shall provide a space for the collection and storage of recyclables.
28 This provision provides convenient access to recycling facilities and encourages building occupants
29 to utilize the recycling programs to their fullest. Projects shall comply with the minimum solid waste
30 and recyclables storage requirements. Applicant shall depict the collection and storage area(s)
31 location on submitted plans.

32
33 12.2 The Applicant shall use interior paints and wood finishes with low volatile organic
34 compound levels that do not exceed 50 grams per liter flat, or 150 grams per liter non-flat. This shall
35 be noted on the approved plans.

36
37 12.3 The Applicant shall hire an archeological consultant to execute a Phase 1
38 Archeological Survey prior to development. This will determine whether potential archeological
39 sites exist within the property. A list of archeological consultants has been provided to the
40 Applicant. The selected archeological consultant shall work closely with Miami-Dade County,
41 Office of Historic and Archeological Resources, during this process. In the event archeological
42 resources are found, the archeological consultant and the Applicant shall contact the County's
43 Office of Historic and Archeological Resources for guidance regarding additional testing and/or
44 archeological monitoring. If unmarked human remains are located, Florida State Statutes 875.05

1 (Florida's Unmarked Human Burial Act) shall apply and all work shall cease. The State Archeologist
2 shall then be notified.
3

4 13. Operations.
5

6 13.1 Service and delivery vehicles, including solid waste pick-up, shall be restricted to
7 Monday through Friday, between the hours of 7:00 a.m. to 7:00 p.m. [consistent with 30-60.29(e)(7),
8 of the Code]. Saturday deliveries would be allowed from 10:00 a.m. to 1:00 p.m. Service and
9 delivery vehicles shall use the SW 184th Street entrance. This requirement shall be implemented upon
10 the construction of the SW 184th Street entrance.
11

12 13.2 Service, delivery and storage areas and equipment shall be adequately screened and
13 located away from view of adjacent properties, in accordance with the proposed site plan.
14

15 13.3 That interior use of school facilities shall be restricted to the hours of operation
16 between 6:00 am and 10:00 pm, provided that the use is by the Applicant for school-related
17 purposes.
18

19 13.4 The property shall not be used for commercial leasing purposes. Commercial leasing
20 purposes shall mean any use not directly affiliated with the school operations of the Applicant. In
21 addition, it shall mean the use of the Applicant's property, buildings and facilities for economic value
22 or profit through third-parties.
23

24 13.5 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 14. Structures.
28

29 14.1 The two (2) longer structures (building 16, the gymnasium and building 18, the
30 performing arts building) should be modified as follows: the wider portion of these structures are
31 approximately (260 ft x 149 ft.). The Southern portion of each building provides a "tail-like"
32 continuation/extension of approximately 110 feet. These "tail-like" extensions should be
33 setback/offset six feet (6 ft.) from the wider portions of each building. As to Building 16, the six
34 foot (6 ft.) ~~setback/offset~~ should be situated toward~~s~~ the east boundary. As to Building 18, the six
35 foot (6 ft.) ~~offsetsetback~~ should be set~~back~~ toward~~s~~ the west boundary.
36

37 14.2 In addition, along the 110 foot setback portion of Buildings 16 and 18, there should
38 be a colonnade or arcade, with first floor roof-like structure, to break-up the monolithic volume.
39

40 14.3 In compliance with section 7.124, Live Oak trees, or other equivalent type trees, with
41 an overall size of 16 feet in height, should be planted along the remaining east side of Building 18
42 and along the remaining west side of Building 16, every 20 feet on-center for the length of the
43 structures (area not covered by the first floor roof-like arcade structured area). The 16 foot trees
44 should be root pruned to encourage their ability to survive the shock of planting.
45

1 15. Enforcement.
2

3 15.1 Non compliance with the approved site plan shall result in the denial of future
4 permits and may result in a daily fine, per violation, as provided under section 15.2, below.
5

6 15.2 A violation of any of the development approvals and/or conditions of the Village
7 Council will result in a \$500.00 a day fine, per violation. The Village shall provide Applicant with a
8 reasonable period of time to cure. The Applicant is entitled to an appeal of the notice of civil
9 citation pursuant to the procedures for the Village Special Magistrate, found at section 2-205 of the
10 Village' s Code.
11

12 15.3 Cross-reference with specific enforcement provisions relating to section 4.6 as to
13 student population and removal of portables under section 5.11.
14

15 15.4 Authorization for the Village of Palmetto Bay to Withhold Permits and Inspections.
16 In the event the terms herein are not being complied with, in addition to any other remedies
17 available, the Village is authorized to withhold any further permits, and refuse to make any
18 inspections or grant any approvals, until such time as the conditions contained herein are complied
19 with. The Village shall provide Applicant with a reasonable notice to cure period. The Applicant
20 may follow the procedures for the Village Special Magistrate regarding any appeal.
21

22 15.5 Cross-reference with section 11.6.
23

24 This is a final order.
25

26 Section 5. Record.

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

34 Section 6. This resolution shall take effect immediately upon approval.
35
36
37
38

