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RESOLUTION NO. 07-96

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; APPROVING THE APPLICATION OF WESTMINSTER CHRISTIAN PRIVATE SCHOOL, INC. FOR A MODIFICATION OF PREVIOUSLY APPROVED MASTER SITE PLAN FOR THE SCHOOL THAT IS CURRENTLY LOCATED AT 6855 S.W. 152 STREET; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the applicant made application to allow modification of a previously approved master site plan (approved pursuant to Zoning Resolution 4-ZAB-79-93) to accommodate future construction and development of the existing school that is currently in operation, as described in the Village of Palmetto Bay Zoning Analysis, which is attached to this resolution; and,

WHEREAS, the Village Council of the Village of Palmetto Bay conducted a quasi-judicial hearing on the application at Southwood Middle School on September 17, 2007; and,

WHEREAS, the Mayor and Village Council finds, based on substantial competent evidence in the record, that the application for the non-use variance is consistent with the Village's Comprehensive Plan and the applicable land development regulations; and,

WHEREAS, based on the foregoing finding, the Mayor and Village Council determined to grant the application, as provided in this resolution.

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

Section 1. A hearing on the present application was held on September 17, 2007 in accordance with ordinance. no. 02-03, entitled "Quasi-judicial hearing procedures." Pursuant to the hearing, the Village Council makes the following findings of fact, conclusions of law and order.

Section 2. Findings of fact.

1. The applicant is Westminster Christian Private School, Inc., for a property located at 6855 SW 152 Street.
2. The applicant requests modification of a previously approved master site plan that would allow the applicant to construct in three phases of a fifteen-year master plan: The first of three phases of construction consists of replacing an existing cafeteria and pavilion with a 17,150 sq. ft. multi-purpose cafetorium, covered walkways and parking; Phase 2 is scheduled to begin within five years of site modification approval and consists of demolition of the existing elementary school structures and replacement with one building; and, Phase 3 is scheduled to begin within ten years of site modification approval and consists of demolition of existing structures serving

1 middle and high school students and replacement with two buildings to serve the
2 students.

- 3
- 4 3. The Village Council adopts the portions of the cover sheet to, and the Village
5 Community Development Department recommendation, entitled Zoning Analysis;
6 and includes the Introduction, Zoning Hearing History, Neighborhood
7 Characteristics, Pertinent Requirement Standards; Analysis and Recommendation as
8 its findings of fact.
9
- 10 4. The Mayor and Village Council issued all Jennings required disclosures. The Mayor
11 and Village Council indicated that they had not received any ex parte
12 communication, that each was familiar with the site.
13
- 14 5. The attorney for the applicant represented, in compliance with the Village's Conflict
15 of Interest and Code of Ethics Ordinance, that the applicant has made no
16 contributions or compensation paid to any person or entity to support or not object
17 to the matter set for public hearing.
18
- 19 6. In evaluating an application for a site plan modification, the Village Council finds
20 that provisions Section 33-311 of the Miami-Dade County Code, as adopted by the
21 Village, has been met. Section 33-311 provides that the applicant must establish that:
22
- 23 a. The development application conforms to the Comprehensive Plan for the
24 Village of Palmetto Bay, Florida; is consistent with applicable area or
25 neighborhood studies or plans; and would serve a public benefit warranting the
26 granting of the application;
 - 27 b. The development application will have a favorable or unfavorable impact on the
28 environmental and natural resources of the Village. The Village Council may
29 consider the means and estimated cost necessary to minimize adverse impacts;
30 the extent to which alternatives exist to alleviate adverse impacts that may have a
31 substantial impact on the on the natural and human environment; and whether
32 any irreversible or ir retrievable commitment of natural resources will occur;
 - 33 c. The development application will have a favorable or unfavorable impact to the
34 economy of the Village;
 - 35 d. The development application will efficiently use or unduly burden water, sewer
36 and solid waste disposal; and,
 - 37 e. The development application will efficiently use, unduly burden or affect public
38 transportation facilities, including mass transit, roads, streets and highways which
39 have been constructed or planned and budgeted for construction, and if the
40 development is or will be accessible by public or private roads, streets or
41 highways.
42
- 43 7. Additionally, the Village Council finds that provisions of section 33-311(A)(7), have
44 also been met. This Section states the conditions that must exist in order to obtain a
45 site plan modification; the applicant must demonstrate that the modification of the
46 underlying Zoning Resolution and covenant would not:

- a. Generate excessive noise or traffic;
- b. Tend to create a fire or other equal or greater dangerous hazard;
- c. Provoke excessive overcrowding of people;
- d. Tend to provoke a nuisance; and,
- e. Be incompatible with the area concerned, when considering the necessity and reasonableness of the modification, in relation to the present and future development of the area concerned.

6. The subject property consists of 24.08 acres (two parcels) and is zoned EU-1.
7. The modification of the master site plan would be in keeping with the basic intent and purpose of the zoning and land use regulations. Approval of this application is in character with the existing use of the property, and is consistent with the Village's Comprehensive Plan.
8. Additionally, as there is no increase in students, and as there is a parking and traffic plan, the application, with the conditions proposed by the Community Development Department, shall not generate excessive noise or traffic; Will not create a dangerous hazard; will not provoke excessive overcrowding of people, will not provoke a nuisance; nor be incompatible with the area or development within the area.

Section 3. Conclusions of law.

1. The Village Council adopts the portions of the Village of Palmetto Bay Zoning Analysis contained in VPB 07-007 heard on September 17, 2007, as its conclusions of law.

Section 4. Order.

The Village Council accepts the staff recommendation in the zoning report and approves the modification of the master site plan under Section 33-311 and Section 33-311(A)(7), subject to the following conditions:

1. The applicant shall eliminate the proposed northwestern parking area, consisting of 17 parking spaces adjacent to the baseball/tennis courts.
2. The applicant shall not construct any buildings exceeding two stories or a roof elevation of 35 feet in height measured from the finished floor elevation.
3. The applicant shall relocate all existing trees affected by the proposed modifications to another location within the site. The applicant shall provide a linear grouping of native trees and landscaping along the western boundary of the high school site to restore the visual buffer adjacent to the residential neighborhood. The applicant shall submit a landscape plan prepared by a licensed landscape architect to be reviewed and approved by the Director.

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4. The applicant shall provide landscaping improvements along the southern and eastern portion of the subject property as proposed in the Village's Street Tree Master Plan prepared by O'Leary Richards Design Associates, Inc.
5. That the school shall install and maintain a five (5) foot high wall and the 20 foot landscape buffer along the western property line from the Northern beginning of Lot 12 adjacent to the site running perpendicular and extending to the official right-of-way line of S.W. 152nd Street. The remainder of the western property line North of Lot 12 (lots 10 and 11 adjacent to site) shall have installed and maintained a five (5) foot chain link fence and a 20 foot landscape buffer, except that no landscaping will be required within ten (10) feet of the running track.
6. That the school shall install and maintain parking area light fixtures which project the light rays directly to the parking surface, and shall include shields which restrict projection or light rays outward to adjacent properties and also restrict the upward projection of light rays into the night sky. Outdoor lighting shall not cast more than one-half foot-candle at the property line.
7. That the school shall not install lighting for outdoor athletic fields, courts and/or swimming pools.
8. That the school shall maintain a sign prohibiting bus traffic and bus parking along the western parking lot driveway and property line and shall make good efforts to ensure compliance with this requirement.
9. That the school shall maintain a sign reading "No radios beyond this point" in the western driveway parking lot and shall make good efforts to ensure compliance with this requirement.
10. That the school shall maintain and orient permanent public address speakers for outdoor recreation fields to the east, and will not allow the speakers to generate direct sound pressure levels in excess of 40 decibels above ambient sound, measured by the A-weighted scale, at the school's western property line.
11. That the school shall provide one security guard at all non-school events which are held on the premises.
12. Should any school structure be designated as historic, then, the property owner shall adhere to the Village's Historic Preservation Regulations.
13. The application must meet the minimum requirements of Chapter 24 of the Code of Miami-Dade County and comply with all conditions imposed by Miami-Dade County DERM.

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14. The application must meet the requirements of all other applicable departments/agencies as part of the building permit submittal process.
 15. These covenants shall run with the land for 15 years after the date of recording of the covenants in the public records, and be applicable to all users of the school campus, but non-school users shall be liable for their own actions or omissions.
 16. The applicant shall install adequate traffic calming along the western entrance to the new Western Cut driveway.
 17. Bicycle facilities for middle and high school students shall be added to the site plan.
 18. Proposed new structures or improvements reflected in the master site plan for which construction permits have not been issued by the Village of Palmetto Bay no later than 20 years after the date of this resolution shall require new site plan approval.

21 Section 5. Record.

22 The record shall consist of the notice of hearing, the applications, documents submitted by
23 the applicant and the applicant's representatives to the Village of Palmetto Bay Community
24 Development Department in connection with the applications, the Village staff recommendation
25 and attached cover sheet and documents, the testimony of sworn witnesses and documents
26 presented at the quasi-judicial hearing, and the tape and minutes of the hearing. The record shall be
27 maintained by the Village Clerk.
28

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

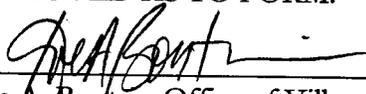
30 PASSED and ADOPTED this 17th day of September, 2007. (Executed 9/26/07)

31
32 Attest:

33 
34 Meighan Rader
35 Village Clerk

36 
37 Eugene P. Flinn, Jr.
38 Mayor

39 APPROVED AS TO FORM:

40 
41 Eve A. Bouytsis, Office of Village Attorney
42 Nagin Gallop & Figueredo, P.A.
43

1 FINAL VOTE AT ADOPTION:
2
3 Council Member Ed Feller Yes
4
5 Council Member Paul Neidhart Yes
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7 Council Member Shelley Stanczyk Yes
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9 Vice-Mayor Linda Robinson Yes
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11 Mayor Eugene P. Flinn, Jr. Yes
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