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**RESOLUTION NO. 2016-50**

**ZONING APPLICATION VPB-15-014**

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; APPROVING THE REQUEST OF APPLICANT, SHORES AT PALMETTO BAY, LLC, TO ESTABLISH A CHARTER SCHOOL FACILITY FOR 1000 STUDENTS ON PROPERTY WITHIN THE DOWNTOWN URBAN VILLAGE DISTRICT PURSUANT TO DIVISION 30-120, OF THE VILLAGE LAND DEVELOPMENT CODE; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the applicant, Shores at Palmetto Bay, LLC, made applications for a public hearing pursuant to Divisions 30-30.5, 30-50.23, and 30-120 of the Village's Land Development Code (the "LDC") to adopt a site plan, approval of design considerations, and to establish a charter school at the third parcel from the NE corner of SW 97<sup>th</sup> Avenue and SW 180th Street, Palmetto Bay; and

**WHEREAS**, the Village Council of the Village of Palmetto Bay conducted a quasi-judicial hearing on the application at Village Hall, 9705 East Hibiscus Street, on June 20, 2016; and

**WHEREAS**, the Mayor and Village Council find, based on substantial competent evidence in the record, that the application for the charter school is consistent with the Village of Palmetto Bay's Comprehensive Plan and the applicable Land Development Regulations.

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

**Section 1. Public Hearing.** A public hearing on the present application was held on June 20, 2016, in accordance with the Village's "Quasi-judicial Hearing Procedures". Pursuant to the testimony and evidence presented during the hearing, the Village Council makes the following findings of fact, conclusions of law, and final order.

**Section 2. Findings of Fact.**

- a. The requested charter school is consistent with the Village's Comprehensive Plan, as further specified in the Analysis Section of the Village's Staff report.
- b. The rules that govern the conditions upon which a charter school is permitted to be configured and operated are found at Section 30-120 of the LDC "Public Charter School Facilities." After hearing the applicant and applicant's experts, the Village Council finds the charter school request consistent with those standards.

- 1 c. The Section 30-50.23.1.05.B provide for the Village Council to grant Design  
2 Consideration to development standards of the DUV Code. After hearing the  
3 applicant and applicant's experts, the Village Council finds the Design Consideration  
4 requests are appropriate.  
5  
6 d. The rules that govern the conditions upon which a site plans are reviewed are found  
7 at Section 30-30.5 of the LDR. After hearing the applicant and applicant's experts,  
8 the Village Council finds the site plan request consistent with those standards.  
9  
10 e. The Applicant's traffic study indicates that the number of trips generated by the  
11 proposed use does not cause the adjacent roadway to exceed the maximum capacity  
12 thresholds established by Miami-Dade County. The Village's traffic engineering  
13 consultant and the Traffic Engineering Division of Miami-Dade County both accept  
14 this finding with conditions as noted in the staff report.  
15  
16 f. The Village Council accepts the findings of staff as it relates to compliance with of  
17 the LDC, and the findings of the traffic study as confirmed by the Village's traffic  
18 engineering consultant and the Traffic Engineering Division of Miami-Dade County.  
19  
20 g. The Village adopts and incorporates by reference the Planning & Zoning Department  
21 staff report, which expert report is considered competent substantial evidence.  
22  
23 h. The Village Council did not have any substantive disclosures regarding ex-parte  
24 communications and the applicant did not raise any objections as to the form or  
25 content of any disclosures by the Council.  
26  
27 i. The applicant has agreed to all proposed modifications and conditions in the Section  
28 entitled, "Order."  
29

30 **Section 3. Conclusions of Law.**

31 The site plan for the proposed charter school use was reviewed pursuant to Section 30-  
32 120 of the LDC and was found to be conditionally consistent with the Comprehensive Plan and  
33 LDC.  
34

35 **Section 4. Order.**

36 The Village Council, pursuant to Section 30-120 of the LDC, approves the plans entitled  
37 "Parkside at Palmetto Bay", as prepared by Civica Architecture and Urban Design, dated  
38 stamped received May 18, 2016, together with the traffic study, prepared by Richard Garcia &  
39 Association, Inc., dated stamped received July 17, 2013, with the following conditions:  
40

- 41 1. The application shall comply with all codes and ordinances of the Village and shall comply  
42 with the requirements of all other applicable departments and agencies as part of the Village  
43 of Palmetto Bay's building permit submittal process in addition to all design requirements  
44 under the Downton Urban Village Zoning District.

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2. The application must meet the minimum requirements of Chapter 24 of the Code of Miami-Dade County.
3. The project is consistent with LOS concurrency in so far as it is not subject thereto, however the site plan and operations of the facility shall conform to the site plan date stamped May 18, 2016, the approved traffic engineering study; and any conditions recommended in MDPW's final report on said items.
4. Application shall comply with the all comments provided by the Village's Traffic Engineer.
5. The applicants shall work with the Art-in-Public-Places Advisory Board in addressing its Art in Public Places requirement as required by 30-160, of the Village's Code of Ordinances.
6. The applicant must submit a list of other civic activities that may occur at the site beyond regular school day activities. Applicant must provide list of anticipated events (civic group meetings, sporting events, etc.).
7. The applicant is to comply with 30-120(6(c), relating to buffers and shall comply with all DERM permit approval requirements.
8. The applicant shall comply with 30-120.6(h) relating to adhering to the typical public school calendar. The proposed project will be consistent with other similar neighborhoods and communities that host public schools adjacent to public amenities, businesses, and civic centers. The applicant has not submitted information regarding school time starts. The applicant shall be required to continue the staggered start times.
9. Operation of the school facility shall conform to the staggered start and dismissal times as provided for in the application, traffic study, and traffic operations plan, provided the site plan and operations of the facility conforms to the site plan date stamped April 5, 2016, the approved traffic engineering study; and any conditions suggested MDPW's final report on said items.
10. The application shall come into compliance with any recommendations provided by the Miami-Dade County's Department of Public Works.
11. Design consideration from Section 4.03.G.3, regarding the pedestrian paseo is granted provided the buildings are constructed in substantial compliance with the approved plan.
12. Design consideration from Section 4.03.H.1(a), regarding a building exceeding 250 feet of frontage is granted provided the buildings are constructed in substantial compliance with the approved plan.

- 1 13. Design consideration from Section 4.03.H(1) regarding parapet wall height is granted  
2 provided the buildings are constructed in substantial compliance with the approved plan.  
3  
4 14. Design consideration from Section 4.03.H.3, regarding building heights is granted provided  
5 the buildings are constructed in substantial compliance with the approved plan.  
6  
7 15. Design consideration from Section 4.04.A(8), requiring 30% fenestration is granted provided  
8 the buildings are constructed in substantial compliance with the approved plan..  
9  
10 16. Design Consideration from Section 4.03.H.b.(1), regarding breaks in building facade shall be  
11 recessed from the build-to line is granted provided the buildings are constructed in  
12 substantial compliance with the approved plan.  
13  
14 17. The school approved herein shall not exceed 1,000 students.  
15  
16 18. Applicant agrees to collaborate with the Education Advisory Committee to examine issues  
17 relating to the integration of the Charter School with the surrounding community including,  
18 but not limited to traffic and safety issues.  
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20 **Section 5. Record.**  
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22 The record shall consist of the notice of hearing, the applications, documents submitted  
23 by the applicant and the applicants' representatives to the Village of Palmetto Bay Department of  
24 Planning and Zoning in connection with the applications, the County recommendation and  
25 attached cover sheet and documents, the testimony of sworn witnesses and documents presented  
26 at the quasi-judicial hearing, and the tape and minutes of the hearing. The record shall be  
27 maintained by the Village Clerk.  
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29 **Section 6. Effective Date.** This Resolution shall take effect immediately upon  
30 adoption.  
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32 PASSED and ADOPTED this 20<sup>th</sup> day of June, 2016.  
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36 Attest:



37 Missy Arocha  
38 Village Clerk  
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40 Eugene Flinn  
41 Mayor  
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1 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE  
2 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

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Dexter W. Lehtinen

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Village Attorney

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FINAL VOTE AT ADOPTION:

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Council Member Karyn Cunningham YES

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Council Member Tim Schaffer YES

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Council Member Larissa Siegel Lara YES

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Vice-Mayor John DuBois ABSENT

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Mayor Eugene Flinn YES