

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-18-08

WHEREAS, **KENDALL GREENS PROPERTY L. L. C.** applied for the following:

- (1) SPECIAL EXCEPTION to permit the expansion of an existing charter school.
- (2) MODIFICATION of Paragraphs #4, #12 and #15 of Declaration of Restrictions recorded in Official Record Book 26359, Pages 90-117, reading as follows:

FROM: "4. The Owner shall comply with all applicable conditions and requirements of the Public Works Department as contained in Section IV of the DIC Memorandum."

TO: "4. The Owner shall comply with all applicable conditions and requirements of the Public Works Department as contained in the DIC Memorandum."

FROM: "12. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Kendall Greens Charter School,' as prepared by The Corradino Group, dated last revised 1/9/04, and dated stamped received January 20, 2004, consisting of 9 sheets (the 'Plan')."

TO: "12. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Kendall Greens Charter School,' as prepared by Civica, dated stamped received 5/13/08, with sheet A-1 last revised 5/27/08 for a total of 9 sheets (the Plan)."

FROM: "15. The charter school shall have a minimum of two start and dismissal times separated by a minimum of 30 minutes."

TO: "15. The charter school shall have a minimum of four start and dismissal times, Monday through Friday, accommodating 200 students in each start and dismissal period, as follows:

7:45 a.m. to 2:00 p.m.
8:15 a.m. to 2:30 p.m.
8:45 a.m. to 3:00 p.m.
9:15 a.m. to 3:30 p.m."

The purpose of request #2 is to allow the applicant to submit new plans indicating an expansion to an existing charter school by increasing the number of students from 600 to 800, allowing the applicant to comply with a new Public Works Department memorandum and changing the start and dismissal times.

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

The aforementioned plans are on file and may be examined in the Department of Planning and Zoning. Plans may be modified at public hearing.

SUBJECT PROPERTY: A Portion of Tract 2, KENDALE LAKES WEST, SECTION ONE, PLAT Book 98, Page 2, and being more particularly described as follows:

Beginning at the NW/ly corner of said Tract 2, said point being on a circular curve to the right having for its elements a radius of 2,740', a central angle of 3°38'14", and an arc distance of 173.94' to a point; thence S24°32'51"W, a distance of 17.89' to a point on the top of the bank of a lake as shown on said plat of KENDALE LAKES WEST, SECTION ONE; (The following 9 courses are along the top of the bank of the said lake); thence N86°30'20"W, a distance of 59.66'; thence S41°03'06"E, a distance of 40.82' to a point; thence S06°01'15"W, a distance of 106.15' to a point; thence S20°58'00"W, a distance of 43.66' to a point; thence S40°29'49"W, a distance of 63.91' to a point; thence S28°48'39"W, a distance of 79.27' to a point; thence S06°30'27"W, a distance of 150.15' to a point; thence S23°06'31"W, a distance of 71.11' to a point; thence S13°47'43"W, a distance of 83.5' to a point; thence S11°15'50"W, a distance of 58.61' to a point; thence N68°42'41"W, a distance of 210.21' to a point; thence N13°52'14"E, a distance of 274.95' to a point; thence N38°30'00"E a distance of 170' to a point; thence N20°30'36"E a distance of 209.36' to the Point of beginning.

LOCATION: 15130 S.W. 80 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant requested permission to withdraw that portion of the requested modification of Paragraph #15 of Declaration of Restrictions recorded in Official Record Book 26359, Pages 90-117 (Item #2), and

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter and to the recommendation of the Developmental Impact Committee, it is the opinion of this Board that the requested special exception to permit the expansion of an existing charter school (Item #1) and that portion of the requested modification of Paragraph #4 and 12, of

Declaration of Restrictions recorded in Official Record Book 26359, Pages 90-117 on a modified basis to accommodate an additional 150 students (Item #2), would be compatible with the area and its development and would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance, and that the requested special exception (Item #1) would not have an adverse impact upon the public interest and should be approved, and

WHEREAS, a motion to approve Item #1, approve a portion of Item #2 pertaining to Paragraphs #4 and 12 on a modified basis, and to withdraw a portion of Item #2 pertaining to Paragraph #15 was offered by Commissioner Joe A. Martinez, seconded by Commissioner Jose "Pepe" Diaz, and upon a poll of the members present the vote was as follows:

Jose "Pepe" Diaz	aye	Dennis C. Moss	aye
Audrey M. Edmonson	aye	Dorrin D. Rolle	absent
Carlos A. Gimmenez	aye	Natacha Seijas	aye
Sally A. Heyman	aye	Katy Sorenson	aye
Barbara J. Jordan	aye	Rebecca Sosa	aye
Joe A. Martinez	aye	Sen. Javier D. Souto	aye
		Bruno A. Barreiro	aye

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida that the requested special exception to permit the expansion of an existing charter school (Item #1) and that portion of the requested modification of Paragraphs #4 and 12, of Declaration of Restrictions recorded in Official Record Book 26359, Pages 90-117 to accommodate additional 150 students (Item #2), be and the same are hereby approved, with Items #1 and 2 subject to the following conditions:

1. That a site plan be submitted to and meet with the approval of the Director upon the submittal of an application for a building permit and/or Certificate of Use; said plan to include among other things but not be limited thereto, location of structure or structures, types, sizes and location of signs, light standards, off-street parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Kendall Greens Charter School,' as prepared by Civica, dated stamped received 5/13/08, with sheet A-1 last revised 5/27/08 for a total of 9 sheets (the Plan)", except as modified to accommodate 750 students.
3. That the use be established and maintained in accordance with the approved plan.
4. That a revised Declaration of Restrictions be submitted to the Department of Planning and Zoning within 90 days after final public hearing approval of this application, unless a time extension is granted by the Director, for good cause shown.
5. That the applicant comply with all the applicable conditions, requirements, recommendations, requests and other provisions of the various Departments as contained in the Departmental memoranda which are part of the record of this application and incorporated herein by reference.
6. That the Charter School use shall be limited to kindergarten through 5th grade with seven hundred fifty (750) students.
7. That the Charter School shall have a minimum of four start and dismissal times, Monday through Friday, accommodating the additional 150 students with said start and dismissal periods, as follows:

7:00 a.m. – 2:00 p.m.

7:30 a.m. – 2:30 p.m.

8:00 a.m. – 3:00 p.m.

8:30 a.m. – 3:30 p.m.

BE IT FURTHER RESOLVED that the requested modification of Paragraphs #4, and 12 of Declaration of Restrictions recorded in Official Record Book 26359, Pages 90-117 on a modified basis, shall read as follows:

4. The Owner shall comply with all applicable conditions and requirements of the Public Works Department as contained in the DIC Memorandum.
12. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Kendall Greens Charter School,' as prepared by Civica, dated stamped received 5/13/08, with sheet A-1 last revised 5/27/08 for a total of 9 sheets (the Plan) except as modified to accommodate 750 students.

BE IT FURTHER RESOLVED that the request to withdraw that portion of the requested modification of Paragraph #15 of Declaration of Restrictions recorded in Official

Record Book 26359, Pages 90-117 (Item #2) be and the same is hereby granted and said Item is hereby withdrawn without prejudice.


BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 3rd day of July, 2008, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 08-7-CC-1
ej

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

By  **RAY SULLIVAN**
Deputy Clerk

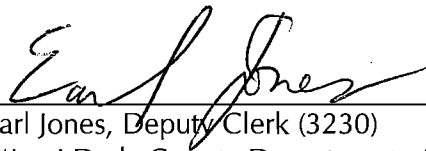
THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 11TH DAY OF JULY, 2008.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Deputy Clerk's Name, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-18-08 adopted by said Board of County Commissioners at its meeting held on the 3rd day of July, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 11th day of July, 2008.



Earl Jones, Deputy Clerk (3230)
Miami-Dade County Department of Planning and Zoning

SEAL

