

Memorandum

MIAMI-DADE
COUNTY

Date: May 26, 2011
To: Distribution
From: Earl Jones, Deputy Clerk
Subject: Resolutions

Attached is resolution Z-3-11 from the Board of County Commissioners meeting on April 28, 2011.

Please note that resolutions Z-1-11 and Z-2-11 were distributed earlier.

Any missing resolutions must be reported to this office (ext. 2129) no later than five (5) days from the date of this memo.

Attachments

Distribution: Agenda Coordinator's Office - MDC - 11th Floor
~~Clerk of the Board - Linda Cave, MDC - 17th Floor~~
Property Appraiser - Angela Hall, MDC - 8th Floor

CLERK OF THE BOARD
2011 MAY 26 PM 3:39
CLERK, CIRCUIT & COUNTY COURTS
DADE COUNTY, FLA.
#1

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-3-11

WHEREAS, **MATER ACADEMY, INC.** applied for the following:

- (1) MODIFICATION of Condition #2 of Resolution Z-5-05, passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Century Gardens Charter School," by Civica, dated/stamped/received December 9, 2004."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Mater Gardens Academy," as prepared by Civica, dated stamped received 2/17/11, consisting of 9 sheets."

- (2) MODIFICATION of Condition #11 of Resolution Z-5-05, last modified by Resolution Z-27-07, both passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "11. That the charter school use shall be limited to Grades K-10th for a maximum of 640 students."

TO: "11. That the charter school use shall be limited to Grades K-8 for a maximum of 800 students."

- (3) MODIFICATION of Condition #2 of Resolution Z-27-07, passed and adopted by the Board of County Commissioners, reading as follows:

FROM "2. That the staggered shifts of arrival and dismissal for students at the charter school shall be as follows:

K-Grade: 8:00 A.M.-8:30 A.M. / 2:00-2:30 P.M. (approx. 90 students)
1-5 Grades: 8:00 A.M.-8:30 A.M. / 3:00-3:30 P.M. (approx. 360 students)
6-10 Grades: 7:00 A.M.-7:30 A.M. / 2:30-3:00 P.M. (approx. 190 students)"

TO: "2. That the staggered shifts of arrival and dismissal for students at the charter school shall be as follows:

K-1 Grades:	8:30 A.M. / 2:00 P.M. (approx. 200 students)
2-3 Grades:	8:00 A.M. / 2:30 P.M. (approx. 200 students)
4-5 Grades:	9:00 A.M. / 3:30 P.M. (approx. 200 students)
6-8 Grades:	8:10 A.M. / 3:00 P.M. (approx. 200 students)"

- (4) MODIFICATION of Paragraph #2 of a Declaration of Restrictions as recorded in Official Record Book 23278, Pages 2186-2194, reading as follows:

FROM: "2. The charter school shall be established and maintained substantially in accordance with that plan submitted for the hearing entitled 'Century Gardens Charter School,' as prepared by Civica, dated stamped received December 9, 2004, consisting of six (6) sheet (the 'Plan')."

TO: "2. The charter school shall be established and maintained substantially in accordance with that plan submitted for the hearing entitled "Mater Gardens Academy," as prepared by Civica, dated stamped received 2/17/11, consisting of 9 sheets."

- (5) MODIFICATION of Paragraph #10 of a Declaration of Restrictions as recorded in Official Record Book 23278, Pages 2186-2194, last modified by a Modification of Declaration of Restrictions as recorded in Official Record Book 23278, Pages 2186-2194, as recorded in Official Record Book 25884, Pages 3186-3192, reading as follows:

FROM: "10. That the charter school shall be limited to grades K-10th for a maximum of 640 students."

TO: "10. That the charter school shall be limited to grades K-8th for a maximum of 800 students."

- (6) MODIFICATION of Paragraph #2 of a Modification of Declaration of Restrictions as recorded in Official Record Book 23278, Pages 2186-2194, as recorded in Official Record Book 25884, Pages 3186-3192, reading as follows:

FROM: "2. That the staggered shifts of arrival and dismissal for students at the charter school shall be as follows:

Kindergarten:	8:00 A.M.-8:30 A.M. / 2:00-2:30 P.M. (approx. 90 students)
1-5 Grades	8:00 A.M.-8:30 A.M. / 3:00-3:30 P.M. (approx. 360 students)
6-10 Grades	7:00 A.M.-7:30 A.M. / 2:30-3:00 P.M. (approx. 190 students)

TO: "2. That the staggered shifts of arrival and dismissal for students at the charter school shall be as follows:

K-1 Grades:	8:30 A.M. / 2:00 P.M. (approx. 200 students)
2-3 Grades:	8:00 A.M. / 2:30 P.M. (approx. 200 students)
4-5 Grades:	9:00 A.M. / 3:30 P.M. (approx. 200 students)
6-8 Grades:	8:10 A.M. / 3:00 P.M. (approx. 200 students)"

The purpose of the above requests #1 thru #6 is to allow the applicant to submit a new site plan showing additional parking spaces and to increase the number of students and decrease the grade levels to a previously approved charter school.

(7) Applicant is requesting to permit parking within 25' of an official right-of-way (not permitted).

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: Tract "A" of CENTURY GARDENS, Plat book 161, Page 21.

LOCATION: 9010 N.W. 178 Lane, 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 proffered a Declaration of Restrictions which among other things provided:

1. That the Owner shall submit a site plan to meet with the approval of the Director of the Department of Planning and Zoning 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 structures, types, sizes and location of signs, light standards, of-street parking areas, exits and entrances, drainage, wall, fences, landscaping, etc.
2. That the Charter School shall be established and maintained substantially in accordance with that plan submitted for the hearing entitled "mater Gardens Academy," as prepared by Civica, dated stamped received February 17, 2011, consisting of nine (9) sheets (the "Plan").
3. That the Owner shall submit to the Department for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit, and to be installed prior to the issuance of a Certificate of Use.
4. That the Owner shall obtain a Certificate of Use from (and promptly renew the same annually with) the Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

5. That the Owner shall comply with all applicable conditions, requirements, recommendations, requests and other provisions of the various Departments.
6. That no outside loudspeakers shall be permitted on the Property.
7. That waste pick-up for the charter school shall be performed by a private commercial entity and shall be limited to pick-up between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except during arrival and dismissal times.
8. That night activities and/or functions at the Charter School shall be limited to 10 events per year and shall end no later than 10:00 p.m.
9. That the school gates shall be opened at least 30 to 45 minutes prior to the arrival and dismissal times.
10. That the Charter School shall be limited to grades K through 8 for a maximum of 800 students.
11. That if the Charter School is constructed but fails to begin operation and/or the Charter School fails after establishment, the Owner, within thirty-six (36) months of the Charter School's failure to begin operation or closure, shall:
 - a) cause the Charter School to be in full compliance with all zoning regulations applicable to the Property allowing a use other than the charter school use, or
 - b) transfer the operation of the Charter School to another charter school operator or to the Miami-Dade County School Board, after securing the necessary approvals from the Miami-Dade County School Board, or
 - c) convert the Charter School to a permitted use within the zoning district applicable to the Property, provided said use has first been authorized through the issuance of the appropriate permits from the Department, or
 - d) secure necessary public hearing approvals to convert the Charter School to a use not otherwise permitted within the zoning district applicable to the Property.

12. The Charter School shall have four staggered start/dismissal times, as follows:

Grades 2 - 3	8:00 a.m. / 2:30 p.m.	(approx. 200 students)
Grades 6 - 8	8:10 a.m. / 3:00 p.m.	(approx. 200 students)
Grades K - 1	8:30 a.m. / 2:00 p.m.	(approx. 200 students)
Grades 4 - 5	9:00 a.m. / 3:30 p.m.	(approx. 200 students)

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. modifications of Condition #2 of Resolution Z-5-05, passed and adopted by the Board of County Commissioners.(Item 1), of Condition #11 of Resolution Z-5-05, last modified by Resolution Z-27-07, both passed and adopted by the Board of County Commissioners (Item #2), of Condition #2 of Resolution Z-27-07, passed and adopted by the Board of County Commissioners (Item #3), of Paragraph #2 of a Declaration of Restrictions as recorded in Official Record Book 23278, Pages 2186-2194 (Item #4), of Paragraph #10 of a Declaration of Restrictions as recorded in Official Record Book 23278, Pages 2186-2194, last modified by a Modification of Declaration of Restrictions as recorded in Official Record Book 23278, Pages 2186-2194, as recorded in Official Record Book 25884, Pages 3186-3192 (Item #5), and of Paragraph #2 of a Modification of Declaration of Restrictions as recorded in Official Record Book 23278, Pages 2186-2194, as recorded in Official Record Book 25884, Pages 3186-3192 (Item #6), and the request to permit parking within 25' of an official right-of-way (Item #7) 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 would be consistent with the Comprehensive Development Master Plan, and that the proffered Declaration of Restrictions should be accepted, and

WHEREAS, a motion to accept the proffered Declaration of Restrictions and to approve Items #1 through 7 was offered by Lynda Bell, seconded by Commissioner Sen. Javier D. Souto, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	aye	Barbara J. Jordan	absent
Lynda Bell	aye	Jean Monestime	aye
Jose "Pepe" Diaz	absent	Dennis C. Moss	aye
Audrey M. Edmonson	absent	Rebecca Sosa	absent
Sally A. Heyman	aye	Sen. Javier D. Souto	aye
	Joe A. Martinez	aye	

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the requested. modifications of Condition #2 of Resolution Z-5-05, passed and adopted by the Board of County Commissioners.(Item 1), of Condition #11 of Resolution Z-5-05, last modified by Resolution Z-27-07, both passed and adopted by the Board of County Commissioners (Item #2), of Condition #2 of Resolution Z-27-07, passed and adopted by the Board of County Commissioners (Item #3), of Paragraph #2 of a Declaration of Restrictions as recorded in Official Record Book 23278, Pages 2186-2194 (Item #4), of Paragraph #10 of a Declaration of Restrictions as recorded in Official Record Book 23278, Pages 2186-2194, last modified by a Modification of Declaration of Restrictions as recorded in Official Record Book 23278, Pages 2186-2194, as recorded in Official Record Book 25884, Pages 3186-3192 (Item #5), and of Paragraph #2 of a Modification of Declaration of Restrictions as recorded in Official Record Book 23278, Pages 2186-2194, as recorded in Official Record Book 25884, Pages 3186-3192 (Item #6), and the request to permit parking within 25' of an official right-of-way (Item #7) be and the same are hereby approved, subject to the following conditions:

1. That all the conditions of Resolutions Z-5-05 and Z-27-07 remain in full force and effect except as herein modified.
2. That the applicant obtain a Certificate of Use (CU) from and promptly renew the same annually with the Department of Planning and Zoning upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
3. That a time of yearly renewal of the Certificate of Use, the applicant shall submit to the Department of Planning and Zoning a letter from the principal of the school

detailing the number of students and the grade levels that are currently enrolled in said facility.

4. That buffering be provided along the south property line in the form of a 6' high hedge, not less than 3' high at the time of planting, which shall grow to and be maintained at a height of 6'.

BE IT FURTHER RESOLVED that the requested modification of Condition #2 of Resolution Z-5-05, passed and adopted by the Board of County Commissioners (Item 1), shall read as follows:

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Mater Gardens Academy," as prepared by Civica, dated stamped received 2/17/11, consisting of 9 sheets.

BE IT FURTHER RESOLVED that the requested modification of Condition #11 of Resolution Z-5-05, last modified by Resolution Z-27-07, both passed and adopted by the Board of County Commissioners (Item #2), shall read as follows:

11. That the charter school use shall be limited to Grades K-8 for a maximum of 800 students.

BE IT FURTHER RESOLVED that the requested modification of Condition #2 of Resolution Z-27-07, passed and adopted by the Board of County Commissioners (Item #3), shall read as follows:

2. That the staggered shifts of arrival and dismissal for students at the charter school shall be as follows:

K-1 Grades:	8:30 A.M. / 2:00 P.M.	(approx. 200 students)
2-3 Grades:	8:00 A.M. / 2:23 P.M.	(approx. 200 students)
4-5 Grades:	9:00 A.M. / 3:30 P.M.	(approx. 200 students)
6-8 Grades:	8:10 A.M. / 3:00 P.M.	(approx. 200 students)

BE IT FURTHER RESOLVED that the requested modification of Paragraph #2 of a Declaration of Restrictions as recorded in Official Record Book 23278, Pages 2186-2194 (Item #4), shall read as follows:

2. The charter school shall be established and maintained substantially in accordance with that plan submitted for the hearing entitled "Mater Gardens Academy," as prepared by Civica, dated stamped received 2/17/11, consisting of 9 sheets.

BE IT FURTHER RESOLVED that the requested modification of Paragraph #10 of a Declaration of Restrictions as recorded in Official Record Book 23278, Pages 2186-2194, last modified by a Modification of Declaration of Restrictions as recorded in Official Record Book 23278, Pages 2186-2194, as recorded in Official Record Book 25884, Pages 3186-3192 (Item #5), shall read as follows:

10. That the charter school shall be limited to grades K-8th for a maximum of 800 students.

BE IT FURTHER RESOLVED that the requested modification of Paragraph #2 of a Modification of Declaration of Restrictions as recorded in Official Record Book 23278, Pages 2186-2194, as recorded in Official Record Book 25884, Pages 3186-3192 (Item #6), shall read as follows:

K-1 Grades:	8:30 A.M. / 2:00 P.M. (approx. 200 students)
2-3 Grades:	8:00 A.M. / 2:30 P.M. (approx. 200 students)
4-5 Grades:	9:00 A.M. / 3:30 P.M. (approx. 200 students)
6-8 Grades:	8:10 A.M. / 3:00 P.M. (approx. 200 students)

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Miami-Dade County, Florida, the County hereby accepts the proffered covenant and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

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 28th day of April, 2011, 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. 11-4-CC-2
ej

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

By DIANE COLLINS
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 26TH DAY OF MAY, 2011.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Earl Jones, 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-3-11 adopted by said Board of County Commissioners at its meeting held on the 28th day of April, 2011.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 26th day of May, 2011.



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

SEAL

