

Approved: \_\_\_\_\_ Mayor

Veto: \_\_\_\_\_

Override: \_\_\_\_\_

**RESOLUTION NO. Z-27-07**

*WHEREAS*, **NORTHWESTERN GRANT L. L. C.** applied for the following:

- (1) MODIFICATION of Condition #11 of Resolution #Z-5-05, 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-5<sup>th</sup> for a maximum of 640 students."

TO: "11. That the charter school use shall be limited to grades K-10<sup>th</sup> for a maximum of 640 students."

- (2) MODIFICATION of Paragraph #10 of a Declaration of Restrictions as recorded in Official Records Book 23278, Pages 2186 – 2194, reading as follows:

FROM: "10. That the charter school shall be limited to grades K-5<sup>th</sup> for a maximum of 640 students."

TO: "10. That the charter school use shall be limited to grades K-10<sup>th</sup> for a maximum of 640 students."

The purpose of these requests is to increase the grade levels of the previously approved charter school to include middle school and 10<sup>th</sup> grade.

Upon a demonstration that the applicable standards have been satisfied, approval of the requests 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).

**SUBJECT PROPERTY:** Tract "A", 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

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 it is the opinion of this Board that the requested modifications of Condition #11 of Resolution #Z-5-05, passed and adopted by the Board of County Commissioners (Item #1), and of Paragraph #10 of a Declaration of Restrictions as recorded in Official Records Book 23278, Pages 2186 – 2194 (Item #2) would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance, and

WHEREAS, a motion to approve Items #1 and 2 was offered by Commissioner Jose "Pepe" Diaz, seconded by Commissioner Rebecca Sosa, 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	aye
Carlos A. Gimmenez	aye	Natacha Seijas	aye
Sally A. Heyman	absent	Katy Sorenson	aye
Barbara J. Jordan	aye	Rebecca Sosa	aye
Joe A. Martinez	absent	Sen. Javier D. Souto	absent
		Bruno A. Barreiro	aye

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the requested modifications of Condition #11 of Resolution #Z-5-05, passed and adopted by the Board of County Commissioners (Item #1), and of Paragraph #10 of a Declaration of Restrictions as recorded in Official Records Book 23278, Pages 2186 – 2194 (Item #2) be and the same are hereby approved, subject to the following conditions:

1. That all the conditions of Resolution Z-30-06 remain in full force and effect except as herein modified.

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

K	Grade	8:00 AM – 8:30 AM	2:00 – 2:30 PM	(approx. 90 students)
1 – 5	Grades	8:00 AM – 8:30 AM	3:00 – 3:30 PM	(approx. 360 students)
6 – 10	Grades	7:00 AM – 7:30 AM	2:30 – 3:00 PM	(approx. 190 students)

3. That the applicant shall proffer a Declaration of Restrictions within 30 days after final public hearing approval of this application, unless a time extension is granted by the Director of the Department of Planning and Zoning. Said declaration shall include, but not be limited to, the modification approved herein as well as the staggered shifts of arrival and dismissal indicated in condition #2 herein.

*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 26<sup>th</sup> day of July, 2007, 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. 07-7-CC-3  
ej

HARVEY RUVIN, Clerk  
Board of County Commissioners  
Miami-Dade County, Florida  
**KAY SULLIVAN**  
By \_\_\_\_\_  
Deputy Clerk

**THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 10<sup>TH</sup> DAY OF AUGUST, 2007.**

**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-27-07 adopted by said Board of County Commissioners at its meeting held on the 26<sup>th</sup> day of July, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 10<sup>th</sup> day of August, 2007.



Earl Jones, Deputy Clerk (4149)  
Miami-Dade County Department of Planning and Zoning

**SEAL**

