

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-7-07

WHEREAS, **ASPIRA OF FLORIDA** applied for the following:

- (1) SPECIAL EXCEPTION to permit a charter school.
- (2) Applicant is requesting a parcel of land with a lot area of 3.53 acres (5 acres required).
- (3) Applicant is requesting to permit a setback of 29'4" (50' required) from the interior side (north) property line, setback 20'4" (25' required) from the front (south) property line, setback a minimum of 14'10" (50' required) from the interior side (west) property line and setback 15'1" (50' required) from the interior side (east) property lines.
- (4) Applicant is requesting to permit a modular building setback 46'3" (50' required) from the interior side (east) property line.
- (5) Applicant is requesting to permit a lot coverage of 17% (15% maximum permitted).

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 through #5 may be considered under §33-311 (A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Aspira South Charter School," as prepared by Rolando Llanes, consisting of 9 sheets and dated stamped received 1/16/07 and a special purpose survey as prepared by Odalys C. Bello, P.S.M., consisting of 1 sheet and dated stamped received 12/15/06. Plans may be modified at public hearing.

SUBJECT PROPERTY: EXHIBIT "A": The west 425' of the east 725' of that portion of the north ¼ of the NE ¼ of the SW ¼ of Section 2, Township 57 South, Range 39 East lying north of the right-of-way of State Road 579 (Biscayne Drive) as described in Quit Claim Deed No. 244 from Model Land Company dated May 26, 1943. LESS the north 35' thereof and less that portion described as follows: Begin 325' west and 35' south of the northeast corner of the SW ¼ of Section 2, Township 57 South, Range 39 East, thence run west 250' , south 150' ; thence east 250' and north 150' to the Point of beginning. A/K/A: Tract "A" of the PLAT OF FALCON MOTOR INN, Plat book 131, Page 32, plus the following:

A parcel of land being a portion of the north ½ of the NE ¼ of the SW ¼ of Section 2, Township 57 South, Range 39 East, lying N/ly of the N/ly right-of-way line of that portion of Biscayne Drive, F/K/A: State Road 579 according to Quit Claim Deed #244, dated May 26, 1943, Official Records Book 2294, Page 434, and S/ly of a line lying 35' S/ly, of as measured at right angles and parallel

with the north line of said southwest $\frac{1}{4}$ said parcel being more particularly described by as follows:

Commence at the northeast corner of said SW $\frac{1}{4}$ thence S89°04'28"W along the north line of said SW $\frac{1}{4}$ for 300.01' to an intersection with a line being 300' W/ly of, as measured at right angles and parallel with the east line of said SW $\frac{1}{4}$ thence S0°24'17"E along said parallel line for 35' to an intersection with a line being 35' S/ly of, as measured at right angles and parallel with said north line, said parallel line being the existing S/ly right-of-way line of S.W. 288 Street, said intersection being the Point of beginning of the hereinafter described parcel of land; thence continue S0°24'17"E along said parallel line of the aforementioned east line for 539.89' to an intersection with the N/ly right-of-way line of said Biscayne Drive (F/K/A: State Road #579), said intersection being on the arc of a circular curve concave to the northeast and bearing S14°09'50"W from the center of said curve; thence NW/ly along said N/ly right-of-way line, along the arc of said curve having a radius of 1096.28' and a central angle of 1°16'49" for 24.49' to a non-tangential intersection with the east line of FALCON MOTOR INN, Plat book 131, Page 32, said east line also being 325' W/ly of, as measured at right angles and parallel with the east line of said SW $\frac{1}{4}$ said intersection bearing S15°26'39"W from the center of said curve; thence N0°24'17"W along the east line of said plat of FALCON MOTOR INN for 383.24' to the northeast corner of said FALCON MOTOR INN; thence N0°55'32"W for 150' to an intersection with the aforementioned S/ly right-of-way line; thence N89°04'28"E along said S/ly right-of-way line for 25' to the point of beginning.

LOCATION: 13330 S.W. 288 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 proffered a Declaration of Restrictions which among other things provided:

1. That a site plan be submitted to and meet with the approval of the Director of the Department 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 the use of the Property shall be established and maintained substantially in accordance with the plan submitted with the Application entitled "ASPIRA South Charter School," as prepared by Rolando Llanes, consisting of nine (9) sheets and dated stamped received on January 16, 2007, and a special purpose survey as prepared by Odalys C. Bello, P.S.M., consisting of one (1) sheet and dated stamped received 12/15/06, as said plan may be further modified at the public hearing on the Application (the "Plan").
3. That the Charter School use shall be limited to kindergarten through eight grades with six hundred (600) students.

4. That the Charter School shall have a minimum of two dismissal times, separated by a minimum of thirty (30) minutes, with a maximum of 400 students per shift. The last dismissal time will be no later than 3:30 p.m. The Owner shall provide written notice of any modifications to the arrival and departure times to the directors of the Planning and Zoning Department (the "Department") and the Public Works Department; said modifications shall be subject to the approval of the directors.
5. That a westbound left-turn bay shall be provided at the driveway entrance on SW 288th Street into the site in order to accommodate the entering school buses, at the expense of the Owner.
6. That Phase I of the Charter School shall be limited to a maximum of 300 students, and shall not open earlier than January 2008. Phase II of the Charter School shall be limited to an additional 300 students, for a total of 600 students at the Charter School, and shall not open earlier than the beginning of the 2009-2010 school year.
7. That the modular structure shall be removed from the Property upon completion of the new two-story educational facility depicted in Phase II of the Plan, or prior to the beginning of the 2010-2011 school year, whichever occurs first.
8. That the County shall design and install the flashing signals and implement school speed zones required along the surrounding roadways. Upon the installation of the flashing signals, the Owner shall reimburse the County for the expenses and costs related to the design and installation of said improvement.
9. That signage for the charter school shall comply with the Zoning Code regulations, not to exceed one sign of a maximum of 24 square feet in area.
10. That the Owner shall submit to the Department for its review and approval a landscaping plan that 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.
11. 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.
12. That to the extent that they do not conflict with local and state requirements for educational facilities, the Owner shall implement the water saving practise recommended by the Miami-Dade County Water and Sewer Department, attached hereto as Exhibit "B", in the design and construction of the Charter School facilities.
13. That no outside loudspeakers shall be permitted on the Property.
14. That the Charter School gates shall be opened at least thirty (30) minutes prior to the arrival and dismissal times.

15. That the 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.
16. That if the Charter School is constructed but fails to begin operation and/or the Charter School fails after established, 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 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.
17. That in addition to the foregoing provisions, the Owner shall comply with all of the applicable conditions, requirements, recommendations, requests, and other provisions of the various departments, as contained in the departmental memoranda, as set forth in the Developmental Impact Committee Recommendation to the Board of County Commissioners, dated March 7, 2007, and those conditions agreed to at the Developmental Impact Committee Executive Council meeting held on March 7, 2007 (the "DIC Meeting"), all of which are part of the record for the Application and incorporated herein by reference. It is provided, however, that to the extent any conditions agreed to at the DIC Meeting, as reflected herein, differ from the memoranda, the conditions agreed to at the DIC Meeting and the provisions herein shall govern the development and use of the Property.

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 a charter school (Item #1), and the requests to a parcel of land with a lot area of 3.53 acres (Item #2), to permit a setback of 29'4" from the interior side

(north) property line, setback 20'4" from the front (south) property line, setback a minimum of 14'10" from the interior side (west) property line and setback 15'1" from the interior side (east) property lines (Item #3), to permit a modular building setback 46'3" from the interior side (east) property line (Item #4), and to permit a lot coverage of 17% (Item #5) 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 that the proffered Declaration of Restrictions should be accepted, and

WHEREAS, a motion to accept the proffered Declaration of Restrictions, and approve Items #1, 2, 3, 4, and 5 was offered by Commissioner Dennis C. Moss, seconded by Commissioner Katy Sorenson, and upon a poll of the members present the vote was as follows:

Jose "Pepe" Diaz	aye	Dennis C. Moss	aye
Audrey M. Edmonson	absent	Dorrin D. Rolle	aye
Carlos A. Gimmenez	aye	Natacha Seijas	absent
Sally A. Heyman	absent	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 a charter school (Item #1), and the requests to a parcel of land with a lot area of 3.53 acres (Item #2), to permit a setback of 29'4" from the interior side (north) property line, setback 20'4" from the front (south) property line, setback a minimum of 14'10" from the interior side (west) property line and setback 15'1" from the interior side (east) property lines (Item #3), to permit a modular building setback 46'3" from the interior side (east) property line (Item #4), and to permit a lot

coverage of 17% (Item #5) be and the same are hereby approved, 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 "Aspira of Florida Aspira South Charter School," as prepared by Rolando Llanes, consisting of 9 sheets and dated stamped received 1/16/07 and a special purpose survey as prepared by Odalys C. Bello, P.S.M., consisting of 1 sheet and dated stamped received 12/15/06.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant submit to the Department of Planning and Zoning 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.
5. That the applicant obtain a Certificate of Use 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.
6. That the applicant comply with all of 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.
7. That no outside speakers shall be permitted on the property.
8. That the 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.
9. That the school gates shall be opened at least 30 minutes prior to the arrival and dismissal times.
10. That the charter school use shall be limited to grades kindergarten through 8th for a maximum of 600 students.
11. That the modular structure be removed from the property upon completion of the 2-story educational facility structure and the retrofitting of the existing buildings or prior to the beginning of the 2009 school year, whichever occurs first.

12. That there shall be a minimum of two staggered shifts at dismissal time for students at the charter school, separated by a minimum of 30 minutes with a maximum of 400 students per shift.
13. That signage for the charter school comply with the Zoning Code regulations, not to exceed one sign of a maximum of 24 sq. ft. in area.

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 26th day of April, 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. 07-4-CC-1
ej

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

By **KAY SULLIVAN**
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 17TH DAY OF MAY, 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-7-07 adopted by said Board of County Commissioners at its meeting held on the 26th day of April, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 17th day of May, 2007.



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

SEAL

