

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-14-08

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

- (1) MODIFICATION of Condition #2 of Resolution #Z-10-06, 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 'Proposed Addition for Aspira of Florida Aspira North Middle School,' as prepared by Ramos Design Associate, Inc. and Landscape Plans by O'Leary Design Associates, P. A. dated stamped received November 9, 2005 and consisting of 6 sheets, except as herein modified to comply with the safe site distance requirements and to delete the parking spaces under the east side of the proposed building."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Proposed Charter School: Aspira of Florida 13300 Memorial Highway, Miami, Florida 33181,' consisting of 13 sheets, A-1 and A-1.1 dated stamped received 2/15/08, L1 to L3 dated stamped received 2/25/08 and A-3 to A-7 and A-12 to A-12.2 dated stamped received 10/3/07 and 1 sheet S-9 entitled 'Proposed Addition for Aspira of Florida Aspira North Middle School, Miami-Dade, Florida,' dated stamped received 10/3/07 for a total of 14 sheets, all prepared by JSA Group."

- (2) MODIFICATION of Paragraph No. 1 of a Declaration of Restrictions as recorded in the Official Records Book 24479, Pages 557-566, reading as follows:

FROM: "1. The use of the property shall be established and maintained substantially in accordance with the plan submitted with the application entitled 'Proposed Addition for Aspira of Florida Aspira North Middle School,' prepared by Lee Ramos, dated stamped received November 9, 2005 (the 'Plan'), as said plan may be further modified at the public hearing on the application."

TO: "1. The use of the property shall be established and maintained substantially in accordance with the plan submitted with the application entitled 'Proposed Charter School: Aspira of Florida 13300 Memorial Highway, Miami, Florida 33181,' consisting of 13 sheets: A-1 and A-1.1 dated stamped received 2/15/08, L1 to L3 dated stamped received 2/25/08 and A-3 to A-7 and A-12 to A-12.2 dated stamped received 10/3/07 and 1 sheet S-9 entitled 'Proposed Addition for Aspira of Florida Aspira North Middle School, Miami-Dade, Florida,' dated stamped received 10/3/07 for a total of 14 sheets, all prepared by JSA Group."

The purpose of requests #1 and #2 is to allow the applicant to submit new plans showing a reduction in the size of the charter school site due to a canal right-of-way.

(3) Applicant is requesting to permit the charter school setback 24'9" (47' 2¼" previously approved/50' required) from the rear (west) property line.

(4) Applicant is requesting to permit a landscape open space of 35.49% (40% required).

Upon a demonstration that the applicable standards have been satisfied, approval of requests #1 and #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) and approval of requests #3 and #4 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

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: PARCEL 1: The south 344' of the north 714' of the west ½ of the NW ¼ of the NW ¼ of Section 30, Township 52 South, Range 42 East, lying west of the west right-of-way line of Memorial Highway, less the right-of-way for Biscayne Canal. AND: PARCEL 2: The south 150' of the north 370' of the west ½ of the west ½ of the NW ¼ of Section 30, Township 52 South, Range 42 East, lying west of the west right-of-way line of Memorial Highway, A/K/A: Griffing Boulevard, and lying east of the east right-of-way of Biscayne Canal.

LOCATION: 13300 Memorial Highway, 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 #2 of Resolution #Z-10-06, passed and adopted by the Board of County Commissioners (Item #1) and of Paragraph No. 1 of a Declaration of Restrictions as recorded in the Official Records Book 24479, Pages 557-566 (Item #2), and the requests to permit the charter school setback 24'9"

from the rear (west) property line (Item #3) and to permit a landscape open space of 35.49% (Item #4) 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

WHEREAS, a motion to approve Items #1 and 2 under Section 33-311(A)(7), approve Items #3 and 4 as non-use variances, deny Items #1 and 2 without prejudice under Section 33-311(A)(17), and deny Items #3 and 4 without prejudice as alternative non-use variances was offered by Commissioner Dorrin D. Rolle, seconded by Commissioner Carlos A. Gimmenez, and upon a poll of the members present the vote was as follows:

Jose "Pepe" Diaz	absent	Dennis C. Moss	aye
Audrey M. Edmonson	aye	Dorrin D. Rolle	aye
Carlos A. Gimmenez	aye	Natacha Seijas	absent
Sally A. Heyman	aye	Katy Sorenson	aye
Barbara J. Jordan	absent	Rebecca Sosa	aye
Joe A. Martinez	absent	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 modifications of Condition #2 of Resolution #Z-10-06, passed and adopted by the Board of County Commissioners (Item #1) and of Paragraph No. 1 of a Declaration of Restrictions as recorded in the Official Records Book 24479, Pages 557-566 (Item #2) be and the same are hereby approved under Section 33-311(A)(7), and that the requests to permit the charter school setback 24'9" from the rear (west) property line (Item #3) and to permit a landscape open space of 35.49% (Item #4) be and the same are hereby approved as non-use variances, with Items #1, 2, 3, and 4 subject to the following conditions:

1. That all the conditions of Resolutions and Z-10-06 remain in full force and effect except as herein modified.

2. That a revised Declaration of Restrictions be submitted to the Department within 90 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, for good cause shown.
3. That the applicant comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various Department as contained in the Departmental memoranda which are part of the record of this application and incorporated herein by reference.

BE IT FURTHER RESOLVED that the requested modification of Condition #2 of Resolution #Z-10-06, 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 'Proposed Charter School: Aspira of Florida 13300 Memorial Highway, Miami, Florida 33181,' consisting of 13 sheets, A-1 and A-1.1 dated stamped received 2/15/08, L1 to L3 dated stamped received 2/25/08 and A-3 to A-7 and A-12 to A-12.2 dated stamped received 10/3/07 and 1 sheet S-9 entitled 'Proposed Addition for Aspira of Florida Aspira North Middle School, Miami-Dade, Florida,' dated stamped received 10/3/07 for a total of 14 sheets, all prepared by JSA Group.

BE IT FURTHER RESOLVED that the requested modification of Paragraph No. 1 of a Declaration of Restrictions as recorded in the Official Records Book 24479, Pages 557-566 (Item #2), shall read as follows:

1. The use of the property shall be established and maintained substantially in accordance with the plan submitted with the application entitled 'Proposed Charter School: Aspira of Florida 13300 Memorial Highway, Miami, Florida 33181,' consisting of 13 sheets: A-1 and A-1.1 dated stamped received 2/15/08, L1 to L3 dated stamped received 2/25/08 and A-3 to A-7 and A-12 to A-12.2 dated stamped received 10/3/07 and 1 sheet S-9 entitled 'Proposed Addition for Aspira of Florida Aspira North Middle School, Miami-Dade, Florida,' dated stamped received 10/3/07 for a total of 14 sheets, all prepared by JSA Group.

BE IT FURTHER RESOLVED, that Items #1 and 2 be and the same are hereby denied without prejudice under Section 33-311(A)(17), and that Items #3 and 4 be and the same are hereby denied without prejudice as alternative non-use variances.

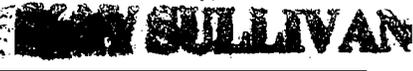
BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

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 22nd day of May, 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. 08-5-CC-1
ej

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

By  **SULLIVAN**
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 28TH DAY OF MAY, 2008.

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-14-08 adopted by said Board of County Commissioners at its meeting held on the 22nd day of May, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 28th day of May, 2008.



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

SEAL

