Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-6-14

WHEREAS, FERRO DEVELOPMENT,LLC. applied for the following:

(1) SPECIAL EXCEPTION to permit a charter school.

(2) SPECIAL EXCEPTION to waive the spacing requirements for new charter school facilities from the Urban Development Boundary (UDB) to permit:

A senior high school within 1 mile of the UDB.
A middle school within ½ mile of the UDB.
A kindergarten and elementary school within a ¼ mile of the UDB.

(3) DELETION of a Declaration of Restrictions, recorded in Official Record Book 26712, Pages 0892-900.

The purpose of Request #3 is to delete a declaration of restriction requiring a landscape buffer and permit the applicant to submit a new site plan for a proposed charter school.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Pinecrest Academy" as prepared by CIVICA, dated stamped received 9/12/13 and consisting of 14 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: Portion of Tracts 53 and 54 of the Supplemental Map No. 1 of the LANDS OF THE MIAMI EVERGLADES LAND CO. LTD, PB 3-39 described as follows: That portion of the East ¾ of the SW ¼ in 4-54-39, less the West 989.93 ft., the South 880 ft. and less the East 35 ft., which lies South of the Southerly right-of-way line of State Road No. 90 (U.S. 41) A.K.A. TAMIAMI TRAIL.

LOCATION: Lying on the South side of SW 8 Street and between SW 152 Avenue and SW 153 Place, 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 and the recommendation of the Development Impact Committee, it is the opinion of this Board that the requested special exception to permit a charter school (Item #1), and the special exception to waive the spacing requirements for new charter school facilities from the Urban Development Boundary (UDB) (Item #2), and the requested deletion of a Declaration of Restrictions, recorded in Official Record Book 26712, Pages 0892-900 (Item #3) 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 and that the requested special exceptions (Items #1 and #2) would not have an adverse impact upon the public interest and should be approved, and

WHEREAS, a motion to approve Items #1 through #3, was offered by Commissioner Audrey M. Edmonson, seconded by Commissioner Lynda Bell, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	absent	Barbara J. Jordan	absent
Lynda Bell	aye	Jean Monestime	aye
Esteban Bovo, Jr.	aye	Dennis C. Moss	absent
Jose "Pepe" Diaz	aye	Sen. Javier D. Souto	aye
Audrey M. Edmonson	aye	Xavier L. Suarez	nay
Sally A. Heyman	absent	Juan C. Zapata	nay

Rebecca Sosa 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 special exception to waive the spacing requirements for new charter school facilities from the Urban Development Boundary (UDB) (Item #2) 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 of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, 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 "Pinecrest Academy" as prepared by CIVICA, dated stamped received 9/12/13 and consisting of 14 sheets.

3. That the use be established and maintained in accordance with the approved plan.

4. That the applicant submits to the Department of Regulatory and Economic Resources 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 Occupancy.

5. That the applicant shall comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the Public Works and Waste Management Department as may be contained in its memorandum dated, 04/01/14.

6. That prior to expanding above 2,100 students, the applicant must obtain a conditional release memo authorizing the expansion from both PWWM and RER as contained in the PWWM memorandum dated April 1, 2014. The purpose of this memorandum is to confirm that all roadways, intersections and side streets that may be blocked by a queue are operating at acceptable school's AM and PM Levels of Service.

7. That the Traffic Operation Plan (TOP) dated March 13, 2014, must be revised to reflect the conditionally allowable (K-12th) student enrollment of 2,100 to arrive and dismiss within the three (3) proposed shifts.

8. That the applicant shall provide an annual traffic report, to be submitted to, and reviewed by PWWM and RER prior to the issuance of the annual Certificate of Use that verifies compliance with the approved TOP.

9. That the applicant comply with all the applicable conditions, requirements, recommendations, requests and other provisions of the Division of Environmental Resources of the Department of Regulatory and Economic Resources as contained in its memorandum dated February 28, 2014.

10. That the applicant comply with all the applicable conditions, requirements, recommendations, requests and other provisions of the Miami-Dade Police Department as contained in its memorandum dated November 21, 2012.

11. That the landscaping and wall abutting the residential uses located to the south be installed prior to the issuance of a Certificate of Use for the building completed in phase 1 of the development.

12. That the school gates be opened at least 45 minutes prior to the arrival and dismissal times.

13. That the northbound left turn lane improvements along the portion of SW 152 Avenue abutting the school property be installed prior to the issuance of a Certificate of Use for the building completed in phase 1 of the development.

14. That the charter school use be limited to grades Kindergarten through 12th and be limited to a maximum of 3,000 students.

15. That there will be staggered shifts at arrival/dismissal times for students at the charter school, separated by a minimum of 30 minutes. The arrival and dismissal times shall be as follows:

Arrival Times	Departure Times	
7:30 a.m. to 8:00 a.m.	2:30 p.m. to 3:00 p.m.	Grades 9-12
8:00 a.m. to 8:30 a.m.	3:30 p.m. to 4:00 p.m.	Grades 6-8
8:30 a.m. to 9:00 a.m.	3:00 p.m. to 3:30 p.m.	Grades K-5

16. That the owner shall have trained personnel on site to manage the traffic operations during the arrival and dismissal period.

17. That in coordination with the MDPD, the owner shall provide school crossing guards on the appropriate streets surrounding the school as necessary during start and dismissal times.

18. That police control at the intersection of SW 10 Street and SW 153 Place and at the site driveway number 2 is required.

19. That a minimum of 20% of all students attending the school be required to be bussed to and from the school.

20. That at time of yearly renewal of Certificate of Use, the applicant shall submit to the Department of Regulatory and Economic Resources a letter from the principal of the school detailing the number of students and the grade levels that are currently enrolled in said facility.

21. That the applicant shall provide an annual traffic report to be submitted and reviewed by the Public Works and Waste Management Department and the Department of Regulatory and Economic Resources prior to the issuance of the annual Certificate of Use, that verifies compliance with the approved TOP.

22. That at the time of Certificate of Use renewal and with each subsequent renewal, the owner shall submit to the Department of Regulatory and Economic Resources a letter or approved form from the Public Works and Waste Management Department showing that the school facility is in compliance with the traffic impact study and the Traffic Operations Plan (TOP) that was submitted as part of the hearing application.

23. That no outside speakers other than in connection with emergency systems shall be permitted on the property.

24. 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.

25. That night activities and/or special events shall be limited to twelve (12) events per year and shall end no later than 10:00 PM.

26. That the outside lighting shall be permitted with the proper shielding according to Miami-Dade County Code.

27. That if the charter school fails after establishment, the owner, within thirty-six months of the charter school's 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.

    b. Transfer the opinion 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.

BE IT FURTHER RESOLVED that the requested deletion of a Declaration of Restrictions, recorded in Official Record Book 26712, Pages 0892-900 (Item #3) be and the same is hereby approved.

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 notations upon the maps and records of the Miami-Dade County Department of Regulatory and Economic Resources 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, 2014, 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. 14-4-CC-2
rd

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

By CHRISTOPHER AGRIPPA
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 10 TH DAY OF JUNE, 2014.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Rosa Davis as Deputy Clerk for the Miami-Dade County Department of Regulatory and Economic Resources as designated by the Director of the Miami-Dade County Department of Regulatory and Economic Resources 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-6-14 adopted by said Board of County Commissioners at its meeting held on the 22nd day of May, 2014.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 10th day of June, 2014.

Rosa Davis, Deputy Clerk (218345)
Miami-Dade County Department of Regulatory and Economic Resources

SEAL

COUNTY COMMISSIONERS
MIAMI-DADE COUNTY FLORIDA

Department of Regulatory and Economic Resources
Development Services Division
111 NW 1st Street • Suite 1110
Miami, Florida 33128-1902
T 305-375-2640
www.miamidade.gov/economy

June 10, 2014

Ferro Development, LLC.
c/o Miguel Diaz de la Portilla
200 S. Biscayne Blvd, Suite 3600
Miami, FL 33131

Re: Hearing No. 14-4-CC-2 (12-128)
Location: South Side of SW 8 Street & Between SW 152 Avenue and SW 153 Place, Miami-Dade County, Florida.

Dear Applicant:

Enclosed herewith is Resolution No. Z-6-10, adopted by the by the Board of County Commissioners which **approved your application on the above described property**. Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required. Failure to comply with stipulated conditions, if any, will result in the immediate issuance of a civil violation notice for each condition violated. Each notice issued may require payment of a daily monetary fine.

If stipulated in the resolution that building permits and/or use, occupancy or completion certifies will be required, please note that permits must be obtained and final inspection approvals received for construction work done or required prior to issuance of the applicable certifies(s) pursuant to Section 33-8 of the Zoning Code. Payment of certificates may be subject to annual renewal by this Department. Application for required permits and/or certificates may be subject to annual renewal by this Department. Application for required permits and/of certificates related to use, occupancy or completion should be made with this Department as appropriate. At time of permit application you must provide a copy of this resolution.

If there are anticipated changes from any plan submitted for the hearing, a plot use plan is to be submitted to this Department in triplicate before any detailed plans are prepared, in as much as building permits will not be issued prior to the approval of said plan.

The Board's decision may be appealed by an aggrieved party to Circuit Court within 30 days of the date of transmittal of the resolution to the Clerk of the Count Commission. The transmittal date is **June 10, 2014**. In the event an appeal is filed, any building permit sought shall be at the risk of the party seeking said permit. Copies of any court filings concerning this matter should be served upon both my office and:

R.A. Cuevas, Jr.,
County Attorney
111 N.W. 1st Street, Suite 2811
Miami, Florida 33128-1993

The County Attorney is not permitted to accept official service of process.

Sincerely,

Deputy Clerk

Enclosure