

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

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

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

RESOLUTION NO. Z-12-14

*WHEREAS*, ADVANCED LEARNING CHARTER SCHOOL, INC. applied for the following:

- (1) SPECIAL EXCEPTION to permit a Charter School.
- (2) MODIFICATION of Condition #2 of Resolution 4-ZAB-309-73, passed and adopted by the Zoning Appeals Board, last modified by Resolution CZAB5-14-04, passed and adopted by Community Zoning Appeals Board #5, 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 'International Bible Baptist Church,' as prepared by Jerry Clawson, Architect, dated stamped received 8/25/04 and consisting of 12 sheets."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Hive-Kindergarten/1<sup>st</sup> Grade" as prepared by Sol Arch, consisting of 5 sheets, a floor plan entitled "A New Church Facility for International Bible Baptist Church" as prepared by Jerry Clawson, Architect, consisting of 1 sheet and a landscape plan entitled "International Bible Baptist Church" as prepared by Land Form Design Group" consisting of 1 sheet, for a total of 7 sheets, with sheet A-100 dated stamped received 4/21/14 and the remaining 6 sheets dated stamped received 4/2/14.

The purpose of request #2 is to allow the applicant to submit a revised site plan showing a charter school in lieu of the previously approved private school, kindergarten and day care center.

The aforementioned plans are on file and may be examined in the Department of Regulatory and Economic Resources. Plans may be modified at public hearing.

SUBJECT PROPERTY: Tract "C", CAROL CITY LAKE STEVEN ESTATES, PB 65-144.

LOCATION: 17701 NW 57 Avenue, 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 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 requested modification of Condition #2 of Resolution 4-ZAB-309-73, passed and adopted by the Zoning Appeals Board, last modified by Resolution CZAB5-14-04, passed and adopted by Community Zoning Appeals Board #5 (Item #2) 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 requested special exception to permit a Charter School (Item #1) would not have an adverse impact upon the public interest and should be approved, and

*WHEREAS*, a motion to approve Item #1 and Item #2, was offered by Commissioner Barbara J. Jordan, seconded by Commissioner Audrey M. Edmonson, and upon a poll of the members present the vote was as follows:

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

*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 requested modification of Condition #2 of Resolution

4-ZAB-309-73, passed and adopted by the Zoning Appeals Board, last modified by Resolution CZAB5-14-04, passed and adopted by Community Zoning Appeals Board #5 (Item #2) be and the same are hereby approved, subject to the following conditions:

1. That all the conditions of Resolution #CZAB5-14-04 remain in full force and effect, except as herein modified.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Hive - Kindergarten / 1st Grade" as prepared by Sol Arch, consisting of 5 sheets, a floor plan entitled "A New Church Facility For International Bible Baptist Church", as prepared by Jerry Clawson/ Architects, consisting of 1 sheet and a landscape plan entitled "International Bible Baptist Church", as prepared by Land Form Design Group, consisting of 1 sheet, for a total of 7 sheets, with sheet A-100 dated stamped received 04/21/14 and the remaining 6 sheets dated stamped received 04/02/14.
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 May 6, 2014.
6. 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 April 23, 2014.
7. That the applicant obtain a Certificate of Use from and promptly renew the same annually with the Department of Regulatory and Economic Resources, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
8. That the school gates be opened at least 45 minutes prior to the arrival and dismissal times.
9. That at the time of Certificate of Use renewal and each subsequent renewal, the owner 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.

10. That the charter school use be limited to grades Kindergarten through 1<sup>st</sup> and be limited to a maximum of 125 students.
11. That the owner shall have trained personnel on site to manage the traffic operations during the arrival and dismissal period.
12. 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 Traffic Operations Plan (TOP).
13. 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 TOP that was submitted as part of the hearing application.
14. That no outside speakers other than in connection with emergency systems shall be permitted on the property.
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 night activities and/or special events shall be limited to twelve (12) events per year and shall end no later than 10:00 PM.
17. That the outside lighting shall be permitted with the proper shielding according to Miami-Dade County Code.
18. 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 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.

*BE IT FURTHER RESOLVED* that the requested modification of Condition #2 of Resolution 4-ZAB-309-73, passed and adopted by the Zoning Appeals Board, last modified by Resolution CZAB5-14-04, passed and adopted by Community Zoning Appeals Board #5, (Item #2) 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 "Hive-Kindergarten/1<sup>st</sup> Grade" as prepared by Sol Arch, consisting of 5 sheets, a floor plan entitled "A New Church Facility for International Bible Baptist Church" as prepared by Jerry Clawson, Architect, consisting of 1 sheet and a landscape plan entitled "International Bible Baptist Church" as prepared by Land Form Design Group" consisting of 1 sheet, for a total of 7 sheets, with sheet A-100 dated stamped received 4/21/14 and the remaining 6 sheets dated stamped received 4/2/14.

*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 17<sup>th</sup> day of July, 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. 14-7-CC-2  
rd

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

By CHRISTOPHER AGRIPPA  
Deputy Clerk

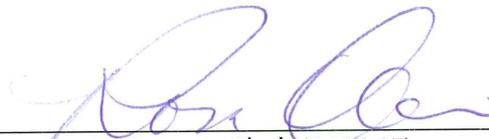
THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY  
COMMISSIONERS ON THE 25<sup>TH</sup> DAY OF JULY, 2014.

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-12-14 adopted by said Board of County Commissioners at its meeting held on the 17<sup>th</sup> day of July, 2014.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 25<sup>th</sup> day of July, 2014.



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

SEAL





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

July 25, 2014

Advanced Learning Charter School, Inc.  
c/o Dulce Conde  
4917 SW 74 Ct  
Miami, FL 33155

Re: Hearing No. 14-7-CC-2 (14-017)  
Location: 17701 NW 57 Avenue, Miami-Dade County, Florida.

Dear Applicant:

Enclosed herewith is Resolution No. Z-12-14, 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 **July 25, 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. 1<sup>st</sup> Street, Suite 2811  
Miami, Florida 33128-1993

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Rosa Davis".

Rosa Davis,  
Deputy Clerk

Enclosure