

RESOLUTION NO. CZAB12-19-15

WHEREAS, CHILDREN'S RESOURCE FUND, INC. applied for the following:

- (1) SPECIAL EXCEPTION to permit a private school.
- (2) MODIFICATION of plans approved pursuant to Resolution 5-ZAB-306-94 passed and adopted by the Zoning Appeals Board, last modified by Resolution CZAB12-8-07, passed and adopted by Community Zoning Appeals Board #12, reading as follows:

FROM: "That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Classroom Addition for Children's Center,' as prepared by Cohen, Freedman, Encinosa & Assoc. Architects, PA, dated stamped received July 03, 2006 consisting of five sheets."

TO: "That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Classroom Addition for Children's Center,' as prepared by Cohen, Freedman, Encinosa & Assoc. Architects, PA, dated stamped received 7/3/06 consisting of five sheets with A01 last handwritten revision dated 10/14/14 and Sheet A-00, dated stamped received 1/6/15 with A-00 last handwritten revision dated 2/4/15."

- (3) MODIFICATION of Condition #7 of Resolution 4ZAB-217-90, passed and adopted by the Zoning Appeals Board last modified by Resolution CZAB12-8-07, passed and adopted by Community Zoning Appeals Board #12, reading as follows:

FROM: "7. Instructions will be limited to nursery and preschool age students".

TO: "7. The instructions will include nursery, preschool and elementary (grades K through 6 grade) age students."

- (4) MODIFICATION of Condition #5 of Resolution Z-161-82, passed and adopted by the Board of County Commissioners, last modified by Resolution 5-ZAB-306-94, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "5. That the uses be conducted on the premises Monday through Saturday from 8:00 a.m. to 6:00 p.m."

TO: "5. That the uses be conducted on the premises Monday through Saturday from 7:30 a.m. to 6:00 p.m."

- (5) MODIFICATION of portions of Paragraph 3 of a Declaration of Restrictions, recorded in Official Records Book 16537 Pages 691 through 705, last modified by a Modification of a Declaration of Restrictions recorded at Official Records Book 16537 Page 691, as modified by the Modification of a Declaration of Restrictions recorded at Official Records Book 22264, Page 0054, recorded in Official Records Book 25669, Pages 3897-3900, reading as follows:

FROM: "3c. The use will be conducted on the premises Monday through Saturday from 8:00 AM to 6:00 PM."

"3d. Instruction will be limited to nursery and preschool age students"

The Owner acknowledges that, because of the residential character of the neighborhood, it shall not seek approval: (i) to increase the size or height of the building, except as shown on the Plans; (ii) to increase the number of students, teachers, vehicles, parking spaces, except as shown on the Application and the Plans; (iii) to change the age group of the students; or (iv) to operate on Sundays or after 6:00p.m. To the extent permitted by the applicable zoning district regulations, nothing in this Declaration shall be interpreted to prohibit the Owner from holding parent/teacher meetings in the evenings."

TO: "3c. The use will be conducted on the premises Monday through Saturday from 7:30 AM to 6:00 PM."

"3d. The instruction will include nursery, preschool and elementary (grades K through 6 grade) age students."

The Owner acknowledges that, because of the residential character of the neighborhood, it shall not seek approval: (i) to increase the size or height of the building, except as shown on the Plans; (ii) to increase the number of students, teachers, vehicles, parking spaces, except as shown on the Application and the Plans; or (iii) to operate on Sundays or after 6:00p.m. To the extent permitted by the applicable zoning district regulations, nothing in this Declaration shall be interpreted to prohibit the Owner from holding parent/teacher meetings in the evenings."

- (6) MODIFICATION of Paragraph #1 of a Declaration of Restrictions recorded in Official Records Book 16537 Pages 691 through 705, last modified by a Modification of a Declaration of Restrictions recorded at official records Book 16537, Page 691, as modified by the Modification of Declaration of Restrictions recorded at Official Records Book 22264, Page 0054 as recorded in Official Records Book 25649, pages 3897-3900, reading as follows:

FROM: "1. Substantial Compliance with Plans. "That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Classroom Addition for Children's Center,' as prepared by Cohen, Freedman, Encinosa & Assoc. Architects, P.A., dated stamped received 7/3/06 and consisting of five (5) sheets."

TO: "1. Substantial Compliance with Plans. "That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Classroom Addition for Children's Center,' as prepared by Cohen, Freedman, Encinosa & Assoc. Architects, PA, dated stamped

received 7/3/06 consisting of five sheets with A01 last handwritten revision dated 10/14/14 and Sheet A-00, dated stamped received 1/6/15 with A-00 last handwritten revision dated 2/4/15.

The purpose of Requests #2 through #6 is to submit a revised site plan showing a new covered canopy play area, to increase the grades from K through 6th grade and to increase the hours of operation for a previously approved nursery & kindergarten.

- (7) NON-USE VARIANCE to permit an existing detached sign setback 4.6' from the rights-of-way for both SW 87th Avenue and SW 112 Street (15' required).

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

SUBJECT PROPERTY: Tract 21, KENDALL HOME SITES, PB 40-52.

LOCATION: 8571 SW 112 Street, MIAMI-DADE COUNTY, FLORIDA, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 12 was advertised and held, as required by law, 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:

A. Paragraph 1 of the Declaration shall now read as follows:

1. Substantial Compliance with Plans. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Classroom Addition for Children's Center,' as prepared by Cohen, Freedman, Encinosa & Assoc. Architects, PA, dated stamped received 7/3/06 consisting of five sheets with A01 last handwritten revision dated 10/14/14 and Sheet A-00, dated stamped received 1/6/15 with A-00 last handwritten revision dated 2/4/15, except as herein amended to show the relocation of the existing detached sign, for a total of 6 sheets.

B. Paragraph 3 of the Declaration shall now read as follows:

1. Declaration of Use.

Notwithstanding the zoning classification of the Property, the use of the Property shall be restricted to a day nursery and school for developmentally disabled children. Furthermore, the Owner acknowledges and agrees to the following additional restrictions on the use of the Property:

- a) the use will be in compliance with applicable Federal, State, and Dade County laws and regulations;
- b) the use will be restricted to one hundred four (104) students;

- c) the use will be conducted on the premises Monday through Saturday from 7:30 a.m. to 6:00 p.m.;
- d) instruction will be limited to nursery, preschool, and elementary age students;
- e) the number of classrooms shall not exceed six (6);
- f) the number of teachers and teacher assistants shall not exceed sixteen (16); and
- g) the transportation to be furnished in connection with the use, if any, will consist of a maximum of fourteen (14) vehicles comprised of twelve (12) car types and two (2) vans, which shall not be stored on premises.

The Owner acknowledges that, because of the residential character of the neighborhood, it shall not seek approval: (i) to increase the size or height of the building, except as shown on the Plans; (ii) to increase the number of students, teachers, vehicles, parking spaces, except as shown on the Application and the Plans; or (iii) to operate on Sundays or after 6:00 p.m. To the extent permitted by the applicable zoning district regulations, nothing in this Declaration shall be interpreted to prohibit the Owner from holding parent/teacher meetings in the evening.

- C. The Declaration and any future amendments thereto shall be subject to Sections 20-8.8 and 20-26 of the Miami-Dade Code, as they may be amended from time to time.
- D. Except as hereby amended, all other restrictions in the Declaration, as amended, shall remain in full force and effect.

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 SPECIAL EXCEPTION to permit a private school (Item #1) would be compatible with the area and its development 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 (Item #1) would not have an adverse impact upon the public interest and should be approved, and

WHEREAS, the requested MODIFICATION of plans approved pursuant to Resolution 5-ZAB-306-94 passed and adopted by the Zoning Appeals Board, last modified by Resolution CZAB12-8-07, passed and adopted by Community Zoning Appeals Board #12 (Item #2), the MODIFICATION of Condition #7 of Resolution 4ZAB-217-90, passed and adopted by the Zoning Appeals Board last modified by Resolution CZAB12-8-07, passed and adopted by Community Zoning Appeals Board #12 (Item #3), the MODIFICATION of Condition #5 of Resolution Z-161-82, passed and adopted by the Board of County Commissioners, last modified by Resolution 5-ZAB-306-94 , passed and adopted by the Zoning Appeals Board (Item #4), the MODIFICATION of portions of Paragraph 3 of a Declaration of Restrictions, recorded in Official Records Book 16537 Pages 691 through 705, last modified by a Modification of a Declaration of Restrictions recorded at Official Records Book 16537 Page 691, as modified by the Modification of a Declaration of Restrictions recorded at Official Records Book 22264, Page 0054, recorded in Official Records Book 25669, Pages 3897-3900 (Item #5), and the MODIFICATION of Paragraph #1 of a Declaration of Restrictions recorded in Official Records Book 16537 Pages 691 through 705, last modified by a Modification of a Declaration of Restrictions recorded at official records Book 16537, Page 691, as modified by the Modification of Declaration of Restrictions recorded at Official Records Book 22264, Page 0054 as recorded in Official Records Book 25649, pages 3897-3900 (Item #6) would be compatible with the area and its development 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 proffered covenant should be accepted, and

WHEREAS, the NON-USE VARIANCE to permit an existing detached sign setback 4.6' from the rights-of-way for both SW 87th Avenue and SW 112 Street (Item #7) would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and

WHEREAS, a motion to approve Items #1 through #6 and deny Item #7 without prejudice was offered by Alberto Santana, seconded by Elliot N. Zack, and upon a poll of the members present, the vote was as follows:

Peggy Brodeur	absent	Alberto Santana	aye
Javier Gonzalez-Abreu	absent	Angela Vazquez	nay
Matthew Larsh	absent	Elliot N. Zack	aye
	Jose I. Valdes	aye	

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 12 that the requested MODIFICATION of plans approved pursuant to Resolution 5-ZAB-306-94 passed and adopted by the Zoning Appeals Board, last modified by Resolution CZAB12-8-07, passed and adopted by Community Zoning Appeals Board #12 (Item #2), the MODIFICATION of Condition #7 of Resolution 4ZAB-217-90, passed and adopted by the Zoning Appeals Board last modified by Resolution CZAB12-8-07, passed and adopted by Community Zoning Appeals Board #12 (Item #3), the MODIFICATION of Condition #5 of Resolution Z-161-82, passed and adopted by the Board of County Commissioners, last modified by Resolution 5-ZAB-306-94 , passed and adopted by the Zoning Appeals Board (Item #4), the MODIFICATION of portions of Paragraph 3 of a Declaration of Restrictions, recorded in Official Records Book 16537 Pages 691 through 705, last modified by a Modification of a Declaration of Restrictions recorded at Official Records Book 16537 Page 691, as modified by the Modification of a Declaration of Restrictions recorded at Official Records Book 22264, Page 0054, recorded in Official Records Book 25669, Pages 3897-3900 (Item #5), and the MODIFICATION of Paragraph

#1 of a Declaration of Restrictions recorded in Official Records Book 16537 Pages 691 through 705, last modified by a Modification of a Declaration of Restrictions recorded at official records Book 16537, Page 691, as modified by the Modification of Declaration of Restrictions recorded at Official Records Book 22264, Page 0054 as recorded in Official Records Book 25649, pages 3897-3900 (Item #6) be and the same are hereby approved, subject to the following conditions:

2. That all the conditions of Resolution #4ZAB-217-90, last modified by Resolution #CZAB12-8-07 remain in full force and effect, except as herein modified.
3. That all other paragraphs of Declaration of Restrictions, recorded in Official Records Book 22264, Pages 0054 thru 0058 remain in full force and effect except as herein modified.
4. That all other paragraphs of Declaration of Restrictions, recorded in Official Records Book 16537 Pages 691 through 705, last modified by a Modification of a Declaration of Restrictions recorded at official records Book 16537, Page 691, as modified by the Modification of Declaration of Restrictions recorded at Official Records Book 22264, Pages 0054 as recorded in Official Records Book 25649, pages 3897-3900 remain in full force and effect except as herein modified.
5. 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.
6. That the school gates be opened at least 45 minutes prior to the arrival and dismissal times.
7. 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.
8. That no outside speakers other than in connection with emergency systems shall be permitted on the property.
9. That the waste pick-up for the 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.
10. 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.

11. That the outside lighting shall be permitted with the proper shielding according to Miami-Dade County Code.
12. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Classroom Addition for Children's Center,' as prepared by Cohen, Freedman, Encinosa & Assoc. Architects, PA, dated stamped received 7/3/06 consisting of five sheets with A01 last handwritten revision dated 10/14/14 and Sheet A-00, dated stamped received 1/6/15 with A-00 last handwritten revision dated 2/4/15, except as herein amended to show the relocation of the existing detached, for a total of six sheets.
13. That the existing detached sign shall be relocated to comply with the Miami-Dade County Zoning Code regulations prior to obtaining final permit approval.

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 that the requested MODIFICATION of plans approved pursuant to Resolution 5-ZAB-306-94 passed and adopted by the Zoning Appeals Board, last modified by Resolution CZAB12-8-07, passed and adopted by Community Zoning Appeals Board #12 (Item #2) shall read as follows:

14. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Classroom Addition for Children's Center,' as prepared by Cohen, Freedman, Encinosa & Assoc. Architects, PA, dated stamped received 7/3/06 consisting of five sheets with A01 last handwritten revision dated 10/14/14 and Sheet A-00, dated stamped received 1/6/15 with A-00 last handwritten revision dated 2/4/15, except as herein amended to show the relocation of the existing detached sign for a total of six sheets.

BE IT FURTHER RESOLVED that the requested MODIFICATION of Condition #7 of Resolution 4ZAB-217-90, passed and adopted by the Zoning Appeals Board last modified by Resolution CZAB12-8-07, passed and adopted by Community Zoning Appeals Board #12 (Item #3), shall read as follows:

7. The instructions will include nursery, preschool and elementary (grades K through 6 grade) age students.

BE IT FURTHER RESOLVED that the requested MODIFICATION of Condition #5 of Resolution Z-161-82, passed and adopted by the Board of County Commissioners, last modified by Resolution 5-ZAB-306-94 , passed and adopted by the Zoning Appeals Board (Item #4), shall read as follows:

5. That the uses be conducted on the premises Monday through Saturday from 7:30 a.m. to 6:00 p.m.

BE IT FURTHER RESOLVED that the requested MODIFICATION of portions of Paragraph 3 of a Declaration of Restrictions, recorded in Official Records Book 16537 Pages 691 through 705, last modified by a Modification of a Declaration of Restrictions recorded at Official Records Book 16537 Page 691, as modified by the Modification of a Declaration of Restrictions recorded at Official Records Book 22264, Page 0054, recorded in Official Records Book 25669, Pages 3897-3900 (Item #5) shall read as follows:

- 3c. The use will be conducted on the premises Monday through Saturday from 7:30 AM to 6:00 PM.
- 3d. The instruction will include nursery, preschool and elementary (grades K through 6 grade) age students."

The Owner acknowledges that, because of the residential character of the neighborhood, it shall not seek approval: (i) to increase the size or height of the building, except as shown on the Plans; (ii) to increase the number of students, teachers, vehicles, parking spaces, except as shown on the Application and the Plans; or (iii) to operate on Sundays or after 6:00p.m. To the extent permitted by the applicable zoning district regulations, nothing in this Declaration shall be interpreted to prohibit the Owner from holding parent/teacher meetings in the evenings."

BE IT FURTHER RESOLVED that the requested MODIFICATION of Paragraph #1 of a Declaration of Restrictions recorded in Official Records Book 16537 Pages 691 through 705, last modified by a Modification of a Declaration of Restrictions recorded at official records Book 16537, Page 691, as modified by the Modification of Declaration of Restrictions recorded at Official Records Book 22264, Page 0054 as recorded in Official Records Book 25649, pages 3897-3900 (Item #6) shall read as follows:

1. Substantial Compliance with Plans. "That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Classroom Addition for Children's Center,' as prepared by Cohen, Freedman, Encinosa & Assoc. Architects, PA, dated stamped received 7/3/06 consisting of five sheets with A01 last handwritten revision dated 10/14/14 and Sheet A-00, dated stamped received 1/6/15 with A-00 last handwritten revision dated 2/4/15, except as herein amended to show the relocation of the existing detached sign, for a total of six sheets.

BE IT FURTHER RESOLVED that the requested NON-USE VARIANCE to permit an existing detached sign setback 4.6' from the rights-of-way for both SW 87th Avenue and SW 112 Street (Item #7) be and the same is hereby denied without prejudice.

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.

PASSED AND ADOPTED this 9th day of June, 2015.

Hearing No. 15-4-CZ12-2
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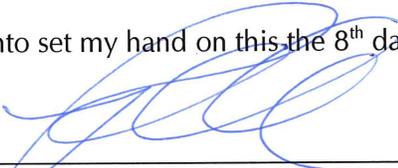
THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 8TH DAY OF JULY, 2015.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

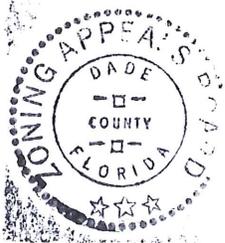
I, Rosa Davis, as Deputy Clerk for the Miami-Dade County Department of Regulatory and Economic Resources as designated by the Director of the Miami-Dade County Department of Department of Regulatory and Economic Resources and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 12, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB12-18-15 adopted by said Community Zoning Appeals Board at its meeting held on the 9th day of June, 2015.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 8th day of July, 2015.



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

SEAL





Department of Regulatory and Economic Resources
Development Services Division
111 NW 1st Street • Suite 111C
Miami, Florida 33128-1902
T 305-375-2640
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July 8, 2015

Children's Resource Fund, Inc.
c/o Tracy Slavens
701 Brickell Avenue, Suite 3300
Miami, FL 33131

Re: Hearing No. 15-4-CA12-2 (14-096)
Location: 8571 SW 112 Street, Miami-Dade County, Florida.

Dear Applicant:

Enclosed herewith is **Resolution No. CZAB12-19-15**, adopted by the by the Community Zoning Appeals Board 12, **which approved Items #1 through #6 and denied Item #7 of 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 certificates 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 certificates(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 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 County Commission. The transmittal date is **July 8, 2015**. 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,

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

Rosa Davis
Deputy Clerk

Enclosure