

RESOLUTION NO. CZAB12-8-07

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

- (1) EU-1 to RU-3

OR IN THE ALTERNATIVE, THE FOLLOWING REQUESTS #2 - #4:

- (2) MODIFICATION of plans approved pursuant to Resolution #5-ZAB-306-94, passed and adopted by the Zoning Appeals Board, and reading as follows:

FROM: "Plans entitled 'New Establishment for Children's Resource Center, Dade County, Florida,' site plan and landscaping plan, prepared by Cohen, Freedman, Encinosa, Architects, P. A., consisting of two pages, stamped received June 14, 1994, except as herein modified to provide a dense hedge, a minimum of 3' high at the time of planting, between the parking area and the northerly property line, to be installed prior to the final construction sign-off."

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, Architects, P. A., dated stamped received 7/3/06 and consisting of five sheets."

- (3) MODIFICATION of Condition #8 of Resolution #Z-161-82, passed and adopted by the Board of County Commissioners, and reading as follows:

FROM: "8. That the number of classrooms shall not exceed six."

TO: "8. That the number of classrooms shall not exceed eight."

- (4) MODIFICATION of Condition #9 of Resolution Z-161-82, passed and adopted by the Board of County Commissioners, and last modified by Resolution 4-ZAB-217-90, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "9. That the number of teachers and teacher assistants shall not exceed 16."

TO: "9. That the number of teachers and teacher assistants shall not exceed 21." *OK*

AND WITH EITHER ALTERNATIVE, REQUESTS #5 - #8:

- (5) MODIFICATION of Paragraph #1 of a Declaration of Restrictions, as recorded in Official Records Book 16537, Pages 691 through 705, reading as follows:

FROM: "(1) SUBSTANTIAL COMPLIANCE WITH PLANS. Notwithstanding the zoning classification of the property, the use of the property shall be established and maintained substantially in accordance with the plans submitted by the owner to the Public Hearings Section of the Dade County Building and Zoning Department as part of this application,

which are entitled 'New Establishment for Children's Resource Center, Dade County, Florida' (Project No. 9280), dated submitted June 14, 1994, as prepared by Cohen, Freedman, Encinosa Architects, P. A., and consisting of sheets A-1A and A-1, and the elevations rendering (the 'Plans')."

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, Architects, P. A., dated stamped received 7/3/06 and consisting of five sheets."

(6) MODIFICATION of a portion of Paragraph #3 (items 3e and 3f) of a Declaration of Restrictions as recorded in Official Records Book 16537, Pages 691 through 705, further modified by a Modification of a Declaration of Restrictions, recorded in Official Records Book 22264, Pages 54 through 58, reading as follows:

FROM: "3e. That the classrooms shall not exceed six."

TO: "3e. That the classrooms shall not exceed eight."

FROM: "3f. That the number of teachers and teacher assistants shall not exceed sixteen."

TO: "3f. That the number of teachers and teacher assistants shall not exceed twenty-one."

The purpose of requests #2 - #6 is to permit the applicant to submit the revised plans showing an addition to a classroom building and to increase the number of classrooms, teachers and teacher assistants for the previously approved private school.

(7) Applicant is requesting to permit an existing classroom building setback 69' (75' required) from the interior side (east) property line.

(8) Applicant is requesting to permit a classroom addition setback 50' (75' required) from the rear (north) property line.

Upon demonstration that the applicable standards have been satisfied, approval of requests #2 - #6 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 #7 and #8 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 Zoning Department.

SUBJECT PROPERTY: Tract 21, KENDALL GREEN HOMESITES, Plat book 40, Page 52.

LOCATION: 8571 S.W. 112 Street, Miami-Dade County, Florida, and

Handwritten notes:
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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

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 (Items #2, 3, 4, 5 and 6), and the requests to permit an existing classroom building setback 69' from the interior side (east) property line (Item #7), and to permit a classroom addition setback 50' from the rear (north) property line (Item #8) would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance, and that the requested district boundary change to RU-3 (Item #1) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and

WHEREAS, a motion to approve Items #2 - 6, to approve Items #7 & 8 as non-use variances, and to deny Item #1, was offered by Edward D. Levinson, seconded by Jose I. Valdes, and upon a poll of the members present, the vote was as follows:

Peggy Brodeur	aye	Jose I. Valdes	aye
Edward D. Levinson	aye	Robert W. Wilcosky	aye
Alberto Santana	aye	Elliot N. Zack	aye
		Carla Ascencio-Savola	aye

NOW THEREFORE BE IT RESOLVED, by the Miami-Dade County Community Zoning Appeals Board 12, that the requested modifications (Items #2, 3, 4, 5 and 6), and the requests to permit an existing classroom building setback 69' from the interior side (east) property line (Item #7), and to permit a classroom addition setback 50' from the rear (north)

property line (Item #8) be and the same are hereby approved, with Items #7 & 8 approved a non-use variances, and all subject to the following conditions:

1. That all conditions of Resolutions Z-161-82, 4-ZAB-217-90 and 5-ZAB-306-94 shall remain in full force and effect except as herein modified.
2. That the use be made to conform to the requirements and/or recommendations of the Miami-Dade County Fire Department, the Miami-Dade County Public Health Department, and the State of Florida Department of Children and Families (Child Care Licensing Unit).
3. 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.
4. That the applicant comply with all applicable conditions and requirements of the Department of Environmental Resources Management (DERM).
5. That the applicant comply with all applicable conditions and requirements of the Public Works Department.
6. That the owner connect to the public sanitary sewer line prior to the issuance of a Certificate of Use for the addition to the classroom building.

BE IT FURTHER RESOLVED, the plans approved pursuant to Resolution #5-ZAB-306-94, passed and adopted by the Zoning Appeals Board, as herein modified (Item #2), shall read as follows:

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, Architects, P. A., dated stamped received 7/3/06 and consisting of five sheets."

BE IT FURTHER RESOLVED, Condition #8 of Resolution #Z-161-82, passed and adopted by the Board of County Commissioners, as herein modified (Item #3), shall read as follows:

8. That the number of classrooms shall not exceed eight.

BE IT FURTHER RESOLVED, Condition #9 of Resolution Z-161-82, passed and adopted by the Board of County Commissioners, previously modified by Resolution

4-ZAB-217-90, passed and adopted by the Zoning Appeals Board, as herein modified

(Item #4), shall read as follows:

9. That the number of teachers and teacher assistants shall not exceed 21.

BE IT FURTHER RESOLVED, Paragraph #1 of a Declaration of Restrictions recorded in Official Records book 16537, Pages 691 through 705, as herein modified (Item #5), 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, Architects, P. A., dated stamped received 7/3/06 and consisting of five sheets.

BE IT FURTHER RESOLVED, items 3e and 3f of Paragraph #3 of a Declaration of Restrictions as recorded in Official Records Book 16537, Pages 691 through 705, previously modified by a Modification of a Declaration of Restrictions, recorded in Official Records Book 22264, Pages 54 through 58, as modified herein (Item #6) shall read as follows:

3e. That the classrooms shall not exceed eight."

3f. That the number of teachers and teacher assistants shall not exceed twenty-one.

BE IT FURTHER IT RESOLVED, that the requested district boundary change to RU-3 (Item #1) be and the same is hereby denied.

BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the approval 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.

RESOLUTION NO. 4-ZAB-217-90

The following resolution was offered by Dean Oddy seconded by Georgia A. Wright and upon poll of members present, the vote was as follows:

Thomas A. Conger	aye	Scott Notowitz	aye
Mavel Cruz	aye	Dean Oddy	aye
Gussie Davis	aye	Georgia A. Wright	aye
Colleen Griffin	nay	Kenneth Welt	aye
Jose A. Losa	aye		

WHEREAS, RONALD & PATRICIA CANIWELL had applied for the following:

- (1) UNUSUAL USE to permit a day nursery and preschool.
- (2) SPECIAL EXCEPTION to permit expansion of the existing building to permit additional bathrooms and an office.
- (3) MODIFICATION of Conditions #5, #7, #9 and #10 of Resolution Z-161-82, passed and adopted by the Board of County Commissioners on the 22nd day of July, 1982, reading as follows:

FROM: "5. That the uses be conducted on the premises on weekdays only, Monday through Friday from 8:00 a.m. to 2:30 p.m. and on Saturday from 9:00 a.m. to 12:00 p.m."

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

FROM: "7. That the number of grades will be from kindergarten through eight."

TO: "7. That instructions will be limited to nursery and preschool age students."

FROM: "9. That the number of teachers shall not exceed five. That the number of administrative and clerical personnel (other than teachers) will be 3."

TO: "9. That the number of teachers and teacher assistants shall not exceed 16."

FROM: "10. That transportation to be furnished in connection with the proposed school, will consist of eight vehicles and shall be of a car type; said vehicles will not be stored on the premises."

TO: "10. That transportation furnished in connection with the proposed day nursery will consist of a maximum of fourteen vehicles comprised of 12 car types, and two vans; said vehicles will not be stored on the premises."

The purpose of the requests is to amend the conditions existing on the site relative to private school use to coincide with the proposed and anticipated day nursery/preschool use.

Plans are on file and may be examined in the Zoning Department entitled "Cantwell Academy," consisting of six sheets prepared by R.E. Chisholm Architects, Inc., dated revised 4-24-90 on Sheet Two, and 2-22-90 on the other sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: Lot 21 of KENDALL GREEN HOMESITES, Plat book 40, Page 52.

LOCATION: 8571 S.W. 112 Street, Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, 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 unusual use, special exception and modification 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;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the application be and the same is hereby approved, subject to the following conditions:

1. That the play area for the day care center shall be enclosed with a fence of a type and at a location to be approved by the Zoning Director.

2. That the use be made to conform to the requirements and/or recommendations of the Dade County Fire Chief and the Dade County Department of Public Health, State of Florida Department of Health and Rehabilitative Services (Child Care Licensing Unit).
3. That the applicants comply with all conditions and requirements of the Department of Environmental Resources Management.
4. That the applicants submit to the Planning Department for its review and approval a landscaping plan which indicates the type of plant material and size prior to the issuance of a building permit and to be installed prior to the issuance of a certificate of use and occupancy.

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 Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 25th day of July, 1990.

Hearing No. 90-7-23

Typed 7/27/90 bn

METROPOLITAN DADE COUNTY, FLORIDA



METRO-DADE CENT

August 10, 1990

BUILDING & ZONING DEPARTMENT
SUITE 10
111 N.W. 1st STREET
MIAMI, FLORIDA 33128-1111
(305) 375-2500

Ronald & Patricia Cantwell
8571 S.W. 112th Street
Miami, FL

Re: Hearing No: 90-7-23
Location: 8571 S.W. 112 Street

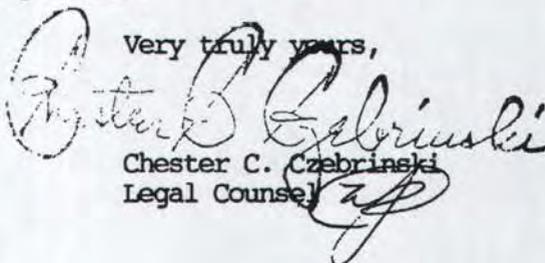
Mr. & Mrs. Cantwell:

Enclosed herewith is a copy of Resolution No. 4-ZAB-217-90, adopted by the Metropolitan Dade County Zoning Appeals Board, approving your application of the above-described property. Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required.

Once the use has been established, failure to maintain compliance with any of the required conditions will result in the immediate issuance of a civil violation notice for each condition violated. Each ticket issued will require payment of a daily monetary fine in the amount of \$500.00.

Application for necessary permits and/or Certificate of Use and Occupancy permits should be made with this Department.

Very truly yours,


Chester C. Czebrinski
Legal Counsel

CCC/bn
Enclosures

cc: Robert H. Traurig/Juan J. Mayol, Jr.
1221 Brickell Avenue
Miami, FL 33131

HRS- Child Care Licensing Unit
Fire Chief
Health Department
Department of Environmental Resources Mgmt.
Enforcement

RESOLUTION NO. CZAB12-7-01

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

MODIFICATION of Condition #4 of Resolution Z-161-82, passed and adopted by Board of County Commissioners on the 22nd day of July, 1982, as last modified Resolution 5-ZAB-306-94, passed and adopted by the Zoning Appeals Board on 31st day of August, 1994, reading as follows:

FROM: "4. That the use be approved and restricted to a maximum of 48 students.

TO: "4. That the use be approved and restricted to a maximum of 120 students."

MODIFICATION of Paragraph #3 of a Declaration of Restrictions, recorded at Official Record Book 16537, Pages 691 through 705, reading as follows:

FROM: "(3). Declaration of Use.

Notwithstanding the zoning classification of the Property, the use of 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 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 forty-eight (48) students;
- (c) the use will be conducted on the premises Monday through Saturday from 8:00 a.m. to 6:00 p.m.
- (d) instruction will be limited to nursery and preschool 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 of any, will consist of a maximum of fourteen (14) vehicles, comprised of 12 car types and two vans, which shall not be stored on the premises.

The Owner acknowledges that, because of the residential character of the neighborhood, the Owner will 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, etc. shown on the Application and the Plans; (iii) to change the age group of the students.

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 evenings."

TO: "(3). 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 Miami-Dade County laws and regulations;
- (b) the use will be restricted to (120) students;
- (c) the use will be conducted on the premises Monday through Saturday from 8:00 a.m. to 6:00 p.m.
- (d) instruction will be limited to nursery and preschool 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 of the Property, if any, will consist of a maximum of fourteen (14) vehicles, comprised of 12 car types and two vans, which shall not be stored on the 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; (iii) to change the age group of the students; or (iv) 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 evenings."

The purpose of the request is to permit the applicant to extend the day care service for an additional 72 children.

3) NON-USE VARIANCE OF ZONING REGULATIONS to permit a classroom area of 2,688 sq. ft. (4,700 sq. ft. required).

ECT PROPERTY: Tract 21 of KENDALL GREEN HOMESITES, Plat book 40, page 5
ATION: 8571 S.W. 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 concerning the matter were given an opportunity to be heard, and at which time the applicant requested permission to withdraw the non-use variance of zoning regulations (Item #3),

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at the time 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 opinion of this Board that the requested modifications (Items #1 & 2) on a modified basis to restrict the maximum number of students to 104, would be compatible with the surrounding area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance, and that the withdrawal of the non-use variance of zoning regulations (Item #3) should be granted, and

WHEREAS, a motion to approve Items #1 & 2 on a modified basis, and accept the withdrawal of Item #3 was offered by Fran M. Bohnsack, seconded by Sanford A. Youkilis, and upon a poll of the members present, the vote was as follows:

Lee D. Armesto	absent	Lorraine Grigsby	aye
M. Bohnsack	aye	Robert W. Wilcosky	nay
Y Brodeur	nay	Sanford A. Youkilis	aye
Patrick Vilar			aye

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 12 that the requested modifications (Items #1 & 2) on a modified basis to restrict the maximum number of students to 104, be and the same are hereby approved.

BE IT FURTHER RESOLVED, that Condition #4 as modified shall read as follows:

TO: "4. That the use be approved and restricted to a maximum of 104 students."

BE IT FURTHER RESOLVED, that Paragraph #3 as modified shall read as follows:

TO: "(3). 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 Miami-Dade County laws and regulations;
- (b) the use will be restricted to (104) students;
- (c) the use will be conducted on the premises Monday through Saturday from 8:00 a.m. to 6:00 p.m.
- (d) instruction will be limited to nursery and preschool 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 12 car types and two vans, which shall not be stored on the premises.

The Owner acknowledges that, because of the residential character of the neighborhood, it shall not seek approval: (i) to increase the size of height of the building, except as shown of 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 6:00 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 evenings."

BE IT FURTHER RESOLVED that the application as approved is subject to the following conditions:

1. That all conditions of Resolutions No. Z-161-82 and 5-ZAB-306-94 shall 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 for good cause shown.
3. That a trash enclosure be provided subject to the approval of the Director of the Department of Planning and Zoning.
4. That a dense hedge be planted along the east property line. Said hedge shall be a type that will grow to a height of six feet.

BE IT FURTHER RESOLVED that the request to withdraw the non-use variance of zoning regulations (Item #3) be and the same is hereby approved, and said Item is withdrawn 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 Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 20th day of February, 2001.

Hearing No. 01-1-CZ12-5
rb

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 1ST DAY OF MARCH, 2001.



DIRECT DIAL: (305) 375-3075
DIRECT FAX: (305) 375-1239

DEPARTMENT OF PLANNING AND ZONING
111 NW FIRST STREET
SUITE 2810
MIAMI FLORIDA 33128-1993
(305) 375-2100
FAX (305) 375-2100

March 1, 2001

Children's Resources Fund, Inc.
c/o Peggy Armaly/Roxana Rapaport
8571 SW 112 Street
Miami, FL 33156

Re: Hearing No. 01-1-CZ12-5
Location: 8571 SW 112 Street

Dear Applicant:

Enclosed herewith is Resolution No. CZAB12-7-01, adopted by the Miami-Dade County Community Zoning Appeals Board 12, which approved Items #1 & 2 on a modified basis, and accepted the withdrawal of Item #3 on the above described property. Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required.

Once the use has been established, failure to maintain compliance with any of the required conditions will result in the immediate issuance of a civil violation notice for each condition violated. Each ticket issued will require payment of a daily monetary fine in the amount of \$500.00.

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

Application for necessary permits and /or Certificate of Use and Occupancy permits should be made with this Department, or the Building Department as appropriate. At time of permit application you must provide a copy of this resolution.

You are hereby advised that the decision of the Community Zoning Appeals Board may be appealed by an aggrieved party to Circuit Court within 30 days of the date of the transmittal of the resolution to the Clerk of the County Commission. You are further advised that in the event that an appropriate appeal is timely filed in the Circuit Court any building permit sought or obtained shall be solely at the risk of the party obtaining said permit.

Copies of any court filings concerning this matter should be served upon both my office and:

Robert A. Ginsburg, County Attorney
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128-1993

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

Sincerely,

Marcy Gordon
Legal Counsel

MG:rb
Enclosures

RESOLUTION NO. CZAB12-24-99

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

- (1) NON-USE VARIANCE OF ZONING REGULATIONS to permit a 49.05 sq. ft. monument sign (24 sq. ft. maximum permitted).
- (2) NON-USE VARIANCE OF ZONING REGULATIONS to permit the aforementioned sign as a second sign (one sign permitted).

A plan is on file and may be examined in the Zoning Department entitled "Children's Resource Center," as prepared by Mary Bergman. Plans may be modified at public hearing.

SUBJECT PROPERTY: Tract 21 of KENDALL GREEN HOMESITES, Plat book 40, page 52.

LOCATION: 8571 S.W. 112 Street, Miami-Dade County, Florida,

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

WHEREAS, upon due and proper consideration having been given to the matter it is the opinion of this Board that the requested non-use variances of zoning regulations (Items #1 & 2) 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 deny the non-use variances of zoning regulations (Items #1 & 2) without prejudice was offered by Sanford A. Youkilis, seconded by Maureen O'Donnell, and upon a poll of the members present, the vote was as follows:

Maytee D. Armesto	absent	Lorraine Grigsby	aye
Peggy Brodeur	aye	Larry Harris	absent
Gregory W. Bush	aye	Maureen O'Donnell	aye
	Sanford A. Youkilis	aye	

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 12 that the requested non-use variances of zoning regulations (Items #1 & 2) be and the same are hereby denied without prejudice.

The Director is hereby authorized to make the necessary notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning.

PASSED AND ADOPTED this 28th day of July, 1999.

Hearing No. 99-7-CZ12-2

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 3rd DAY OF AUGUST, 1999.

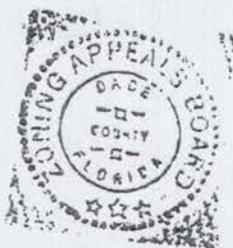
STATE OF FLORIDA

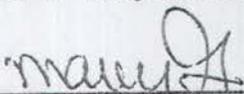
COUNTY OF MIAMI-DADE

I, Marcy Gordon, as Deputy Clerk and Legal Counsel for the Miami-Dade County Department of Planning and Zoning as designated by Guillermo E. Olmedillo, Director of the Miami-Dade County Department of Planning and Zoning 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. CZAB12-24-99 adopted by said Community Zoning Appeals Board at its meeting held on the 28th day of July, 1999.

IN WITNESS WHEREOF, I have hereunto set my hand on this 3rd day of August, 1999.

SEAL





Marcy Gordon, Deputy Clerk and Legal Counsel
Miami-Dade County Department of Planning and Zoning



April 17, 1989

Dr. Ronald J. Cantwell & W. Patricia
8571 S.W. 112 Street
Miami, FL 33156

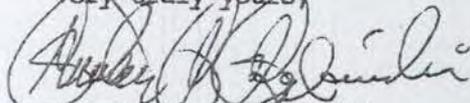
Re: Hearing No. 89-4-3
Location: 8571 S.W. 112 Street

Gentlemen:

Enclosed herewith is a copy of Resolution No. 4-ZAB-148-89, adopted by Metropolitan Dade County Zoning Appeals Board, denying without prejudice y application on the above-described property.

If you are dissatisfied with the decision of the Zoning Appeals Board, same may be appealed, as is provided in Chapter 33-313 of the Code Metropolitan Dade County, Florida. The deadline for an appeal by applicant and/or an aggrieved party is Friday, April 28, 1989.

Very truly yours,


Chester C. Caibrinski
Assistant Director

CCC/bn
Enclosures

cc: Allen Kronenberger
5020 Gunn Highway, Suite 220
Tampa, FL 33624

RESOLUTION NO. 4-ZAB-148-89

The following resolution was offered by Thomas A. Conger seconded by Mary Jean Risi and upon poll of members present, the vote was as follows:

Thomas A. Conger	aye	Gonzalo (Guy) Sanchez	aye
Jose A. Losa	aye	Kenneth Welt	nay
Levi A. Johnson	absent	Georgia A. Wright	nay
Joyce Masso	absent	Murray Sisselman	absent
Mary Jean Risi	aye		

WHEREAS, DR. ROBERT CANTWELL had applied for the following:

- (1) UNUSUAL USE to permit a day care center and kindergarten for 135 children.
- (2) NON-USE VARIANCE OF ZONING REGULATIONS as applied to day care and kindergarten facilities to permit a total of 135 children (121 children permitted).
- (3) MODIFICATION of Conditions #4, #5, #7, #9, & #10 of Resolution Z-161-82, passed and adopted by the Board of County Commissioners on the 22nd day of July, 1982 and reading as follows:

FROM: "4. That the use be approved and restricted to a maximum of 48 students."

TO: "4. That the use be approved and restricted to a maximum of 135 children."

FROM: "5. That the uses be conducted on the premises on weekdays only, Monday through Friday from 8:00 a.m. to 2:30 p.m. and on Saturday from 9:00 a.m. to 12:00 p.m."

TO: "5. That the uses be conducted on the premises on weekdays only, Monday through Friday from 6:00 a.m. to 6:30 p.m. and on Saturday from 9:00 a.m. to 12:00 p.m."

FROM: "7. That the number of grades will be from kindergarten through eight."

TO: "7. That the ages of children will be from infant to six years old."

FROM: "9. That the number of teachers shall not exceed five. That the number of administrative and clerical personnel (other than teachers) will be 3."

TO: "9. That the number of teachers shall not exceed ten. That the number of administrative and clerical personnel (other than teachers) will be 3."

FROM: "10. That the transportation to be furnished in connection with the proposed school, will consist of eight vehicles and shall be of a car type; said vehicles will not be stored on the premises."

TO: "10. That the transportation to be furnished in connection with the proposed day care and kindergarten, will consist of one vehicle and shall be of a van type; vehicle will be stored on the premises."

The purpose of this request is to permit the modification of the aforementioned conditions to permit a new day care center and kindergarten on the subject property.

- (4) NON-USE VARIANCE OF SIGN REGULATIONS limiting the number and size of signs in the EU-1 district to one 1.5 sq. ft.; to waive same to permit a proposed wall sign to be 27 sq. ft. and a second detached sign to be 48 sq. ft.

METROPOLITAN DADE COUNTY, FLORIDA



METRO-DADE CENTER

BUILDING & ZONING DEPARTMENT
SUITE 1010
111 N.W. 1st STREET
MIAMI, FLORIDA 33128-1974
(305) 375-2500

April 17, 1989

Dr. Ronald J. Cantwell & W. Patricia
8571 S.W. 112 Street
Miami, FL 33156

Re: Hearing No. 89-4-3
Location: 8571 S.W. 112 Street

Gentlemen:

Enclosed herewith is a copy of Resolution No. 4-ZAB-148-89, adopted by the Metropolitan Dade County Zoning Appeals Board, denying without prejudice your application on the above-described property.

If you are dissatisfied with the decision of the Zoning Appeals Board, the same may be appealed, as is provided in Chapter 33-313 of the Code of Metropolitan Dade County, Florida. The deadline for an appeal by the applicant and/or an aggrieved party is Friday, April 28, 1989.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'Chester C. Czebrinski'.

Chester C. Czebrinski
Assistant Director

CCC/bn
Enclosures

cc: Allen Kronenberger
5020 Gunn Highway, Suite 220
Tampa, FL 33624

RESOLUTION NO. 4-ZAB-148-89

The following resolution was offered by Thomas A. Conger seconded by Mary Jean Risi and upon poll of members present, the vote was as follows:

Thomas A. Conger	aye	Gonzalo (Guy) Sanchez	aye
Jose A. Losa	aye	Kenneth Welt	nay
Levi A. Johnson	absent	Georgia A. Wright	nay
Joyce Masso	absent	Murray Sisselman	absent
Mary Jean Risi	aye		

WHEREAS, DR. ROBERT CANTWELL had applied for the following:

- (1) UNUSUAL USE to permit a day care center and kindergarten for 135 children.
- (2) NON-USE VARIANCE OF ZONING REGULATIONS as applied to day care and kindergarten facilities to permit a total of 135 children (121 children permitted).
- (3) MODIFICATION of Conditions #4, #5, #7, #9, & #10 of Resolution Z-161-82, passed and adopted by the Board of County Commissioners on the 22nd day of July, 1982 and reading as follows:

FROM: "4. That the use be approved and restricted to a maximum of 48 students."

TO: "4. That the use be approved and restricted to a maximum of 135 children."

FROM: "5. That the uses be conducted on the premises on weekdays only, Monday through Friday from 8:00 a.m. to 2:30 p.m. and on Saturday from 9:00 a.m. to 12:00 p.m.

TO: "5. That the uses be conducted on the premises on weekdays only, Monday through Friday from 6:00 a.m. to 6:30 p.m. and on Saturday from 9:00 a.m. to 12:00 p.m.

FROM: "7. That the number of grades will be from kindergarten through eight."

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FROM: "9. That the number of teachers shall not exceed five. That the number of administrative and clerical personnel (other than teachers) will be 3."

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FROM: "10. That the transportation to be furnished in connection with the proposed school, will consist of eight vehicles and shall be of a car type; said vehicles will not be stored on the premises."

TO: "10. That the transportation to be furnished in connection with the proposed day care and kindergarten, will consist of one vehicle and shall be of a van type; vehicle will be stored on the premises."

The purpose of this request is to permit the modification of the aforementioned conditions to permit a new day care center and kindergarten on the subject property.

- (4) NON-USE VARIANCE OF SIGN REGULATIONS limiting the number and size of signs in the EU-1 district to one 1.5 sq. ft.; to waive same to permit a proposed wall sign to be 27 sq. ft. and a second detached sign to be 48 sq. ft.

JUN 0

CLERK OF

- (5) NON-USE VARIANCE OF SETBACK REQUIREMENTS as applied to signs to permit the second detached sign to setback 10' (15' required) from the front (west) zoned right-of-way line and to setback 4' (15' required) from the side street (south) zoned right-of-way line.
- (6) NON-USE VARIANCE OF ZONING REGULATIONS as applied to parking to permit 5 parking spaces to be within 25' of the zoned right-of-way (none permitted).
- (7) MODIFICATION of plans approved pursuant to Resolution Z-161-82, passed and adopted by the Board of County Commissioners on the 22nd day of July, 1982 and reading as follows:

FROM: "Proposed Renovation for: Dr. Ronald Cantwell," prepared by Michael A. Scavuzzo & Associates, Architects, and dated 3-29-82, site plan dated 4-23-82."

TO: "A New Building for: Kinder-care Learning Centers, Inc.," as prepared by Crowder, Mahoney, Makowski, Rice, Inc., dated received 11-7-88; a floor plan and elevations entitled 'Kinder Care Learning Centers, Inc.,' as prepared by Mark D. Pavey, Architect, dated 7-28-88."

The purpose of this request is to permit a new building to be erected on the subject property.

The aforementioned plans are on file and may be examined in the Zoning Department. Plans may be modified at public hearing.

SUBJECT PROPERTY: Tract 21, KENDALL GREEN HOMESITES, Plat book 40, Page 52.

LOCATION: 8571 S.W. 112 Street, Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested unusual use, non-use variances and modifications would not be compatible with the area and its development and 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;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the requested application be and the same is hereby denied without prejudice.

The Zoning Director is hereby directed to make the necessary notations upon the records of the Dade County Building and Zoning Department.

PASSED AND ADOPTED this 12th day of APRIL, 1989.

METROPOLITAN DADE COUNTY, FLORIDA



METRO-DADE CENTER

BUILDING & ZONING DEPARTMENT
SUITE 1010
111 N.W. 1st STREET
MIAMI, FLORIDA 33128-1974
(305) 375-2500

April 17, 1989

Dr. Ronald J. Cantwell & W. Patricia
8571 S.W. 112 Street
Miami, FL 33156

Re: Hearing No. 89-4-3
Location: 8571 S.W. 112 Street

Gentlemen:

Enclosed herewith is a copy of Resolution No. 4-ZAB-148-89, adopted by the Metropolitan Dade County Zoning Appeals Board, denying without prejudice your application on the above-described property.

If you are dissatisfied with the decision of the Zoning Appeals Board, the same may be appealed, as is provided in Chapter 33-313 of the Code of Metropolitan Dade County, Florida. The deadline for an appeal by the applicant and/or an aggrieved party is Friday, April 28, 1989.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'Chester C. Czebrinski'.

Chester C. Czebrinski
Assistant Director

CCC/bn
Enclosures

cc: Allen Kronenberger
5020 Gunn Highway, Suite 220
Tampa, FL 33624

RESOLUTION NO. 4-ZAB-148-89

The following resolution was offered by Thomas A. Conger seconded by Mary Jean Risi and upon poll of members present, the vote was as follows:

Thomas A. Conger	aye	Gonzalo (Guy) Sanchez	aye
Jose A. Losa	aye	Kenneth Welt	nay
Levi A. Johnson	absent	Georgia A. Wright	nay
Joyce Masso	absent	Murray Sisselman	absent
Mary Jean Risi	aye		

WHEREAS, DR. ROBERT CANIWELL had applied for the following:

- (1) UNUSUAL USE to permit a day care center and kindergarten for 135 children.
- (2) NON-USE VARIANCE OF ZONING REGULATIONS as applied to day care and kindergarten facilities to permit a total of 135 children (121 children permitted).
- (3) MODIFICATION of Conditions #4, #5, #7, #9, & #10 of Resolution Z-161-82, passed and adopted by the Board of County Commissioners on the 22nd day of July, 1982 and reading as follows:

FROM: "4. That the use be approved and restricted to a maximum of 48 students."

TO: "4. That the use be approved and restricted to a maximum of 135 children."

FROM: "5. That the uses be conducted on the premises on weekdays only, Monday through Friday from 8:00 a.m. to 2:30 p.m. and on Saturday from 9:00 a.m. to 12:00 p.m."

TO: "5. That the uses be conducted on the premises on weekdays only, Monday through Friday from 6:00 a.m. to 6:30 p.m. and on Saturday from 9:00 a.m. to 12:00 p.m."

FROM: "7. That the number of grades will be from kindergarten through eight."

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FROM: "9. That the number of teachers shall not exceed five. That the number of administrative and clerical personnel (other than teachers) will be 3."

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FROM: "10. That the transportation to be furnished in connection with the proposed school, will consist of eight vehicles and shall be of a car type; said vehicles will not be stored on the premises."

TO: "10. That the transportation to be furnished in connection with the proposed day care and kindergarten, will consist of one vehicle and shall be of a van type; vehicle will be stored on the premises."

The purpose of this request is to permit the modification of the aforementioned conditions to permit a new day care center and kindergarten on the subject property.

- (4) NON-USE VARIANCE OF SIGN REGULATIONS limiting the number and size of signs in the EU-1 district to one 1.5 sq. ft.; to waive same to permit a proposed wall sign to be 27 sq. ft. and a second detached sign to be 48 sq. ft.

RESOLUTION NO. CZAB12-24-99

DEWIED

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

- (1) NON-USE VARIANCE OF ZONING REGULATIONS to permit a 49.05 sq. ft. monument sign (24 sq. ft. maximum permitted).
- (2) NON-USE VARIANCE OF ZONING REGULATIONS to permit the aforementioned sign as a second sign (one sign permitted).

A plan is on file and may be examined in the Zoning Department entitled "Children's Resource Center," as prepared by Mary Bergman. Plans may be modified at public hearing.

SUBJECT PROPERTY: Tract 21 of KENDALL GREEN HOMESITES, Plat book 40, page 52.

LOCATION: 8571 S.W. 112 Street, Miami-Dade County, Florida,

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

WHEREAS, upon due and proper consideration having been given to the matter it is the opinion of this Board that the requested non-use variances of zoning regulations (Items #1 & 2) 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 deny the non-use variances of zoning regulations (Items #1 & 2) without prejudice was offered by Sanford A. Youkilis, seconded by Maureen O'Donnell, and upon a poll of the members present, the vote was as follows:

Maytee D. Armesto	absent	Lorraine Grigsby	aye
Peggy Brodeur	aye	Larry Harris	absent
Gregory W. Bush	aye	Maureen O'Donnell	aye
	Sanford A. Youkilis	aye	

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 12 that the requested non-use variances of zoning regulations (Items #1 & 2) be and the same are hereby denied without prejudice.

The Director is hereby authorized to make the necessary notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning.

PASSED AND ADOPTED this 28th day of July, 1999.

Hearing No. 99-7-CZ12-2

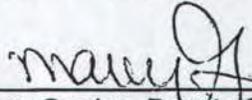
THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 3rd DAY OF AUGUST, 1999.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Marcy Gordon, as Deputy Clerk and Legal Counsel for the Miami-Dade County Department of Planning and Zoning as designated by Guillermo E. Olmedillo, Director of the Miami-Dade County Department of Planning and Zoning 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. CZAB12-24-99 adopted by said Community Zoning Appeals Board at its meeting held on the 28th day of July, 1999.

IN WITNESS WHEREOF, I have hereunto set my hand on this 3rd day of August, 1999.



Marcy Gordon, Deputy Clerk and Legal Counsel
Miami-Dade County Department of Planning and Zoning

SEAL



RESOLUTION NO. 5-ZAB-306-94

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

MODIFICATION of Condition #5 of Resolution Z-161-82, passed and adopted by the Board of County Commissioners on the 22nd day of July, 1982 and amended by Resolution 4-ZAB-217-90, passed and adopted by the Dade County Zoning Appeals Board on the 25th day of July, 1990, as follows:

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

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

The purpose of the request is to extend the nursery hours from 5:00 p.m. to 6:00 p.m.

SUBJECT PROPERTY: Tract 21 of KENDALL GREEN HOMESITES, Plat book 40, Page 52.

LOCATION: 8571 S.W. 112 Street, Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, 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 modification would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance, and

WHEREAS, the following motion was offered by Willie Barnett seconded by Barbara Hardemon and upon a poll of the members present, the vote was as follows:

Humberto Amaro	aye	Hermania Herrera	aye
Willie Barnett	aye	Charlie McGarey	aye
Wilfredo Calvino, Jr.	aye	Jorge Rodriguez-Chomat	absent
Frank Colunga	aye	Jonathan Rubin	aye
Mavel Cruz	aye	June Stevens	aye
Raul Del Portillo	aye	Colleen Griffin	aye
Barbara Hardemon	aye		

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the application be and the same is hereby approved, subject to the following condition:

That the applicant proffer a covenant prior to any building permits restricting the redevelopment of the property to a plan, the same to be substantially in accordance with that submitted for the hearing entitled "New Establishment for Children's Resource Center, Dade County, Florida", site plan and landscaping plan, prepared by Cohen, Freedman, Encinosa, Architects P.A., consisting of two pages, stamped received June 14, 1994, except as herein modified to provide a dense hedge, a minimum of 3' high at the time of planting, between the parking area and the northerly property line, to be installed prior to the final construction sign-off.

BE IT FURTHER RESOLVED that all conditions of previous resolutions shall remain in full force and effect, except as herein modified.

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 Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department and to issue all permits in accordance with the terms and condition of this resolution.

PASSED AND ADOPTED this 31st day of August, 1994.

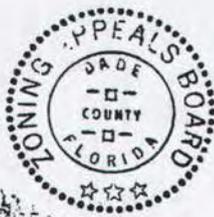
Hearing No. 94-8-11
 Typed 9/8/94 bn

STATE OF FLORIDA

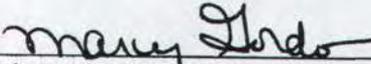
COUNTY OF DADE

I, Marcy Gordon, Legal Counsel of Dade County Building and Zoning Department, as designated by Carlos F. Bonzon, Ph.D., P.E., Director of the Metropolitan Dade County Building and Zoning Department and Ex-Officio Secretary of the Metropolitan Dade County Zoning Appeals Board, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. 5-ZAB-306-94 adopted by said Zoning Appeals Board at its meeting held on the 31st day of August, 1994.

IN WITNESS WHEREOF, I have hereunto set my hand on this 14th day of September, 1994.



SEAL



Marcy Gordon, Deputy Clerk and Legal Counsel
Metropolitan Dade County
Building and Zoning Department

RESOLUTION NO. 4-ZAB-148-89

The following resolution was offered by Thomas A. Conger seconded by Mary Jean Risi and upon poll of members present, the vote was as follows:

Thomas A. Conger	aye	Gonzalo (Guy) Sanchez	aye
Jose A. Losa	aye	Kenneth Welt	nay
Levi A. Johnson	absent	Georgia A. Wright	nay
Joyce Masso	absent	Murray Sisselman	absent
Mary Jean Risi	aye		

WHEREAS, DR. ROBERT CANTWELL had applied for the following:

- (1) UNUSUAL USE to permit a day care center and kindergarten for 135 children.
- (2) NON-USE VARIANCE OF ZONING REGULATIONS as applied to day care and kindergarten facilities to permit a total of 135 children (121 children permitted).
- (3) MODIFICATION of Conditions #4, #5, #7, #9, & #10 of Resolution Z-161-82, passed and adopted by the Board of County Commissioners on the 22nd day of July, 1982 and reading as follows:

FROM: "4. That the use be approved and restricted to a maximum of 48 students."

TO: "4. That the use be approved and restricted to a maximum of 135 children."

FROM: "5. That the uses be conducted on the premises on weekdays only, Monday through Friday from 8:00 a.m. to 2:30 p.m. and on Saturday from 9:00 a.m. to 12:00 p.m.

TO: "5. That the uses be conducted on the premises on weekdays only, Monday through Friday from 6:00 a.m. to 6:30 p.m. and on Saturday from 9:00 a.m. to 12:00 p.m.

FROM: "7. That the number of grades will be from kindergarten through eight."

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FROM: "9. That the number of teachers shall not exceed five. That the number of administrative and clerical personnel (other than teachers) will be 3."

TO: "9. That the number of teachers shall not exceed ten. That the number of administrative and clerical personnel (other than teachers) will be 3."

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TO: "10. That the transportation to be furnished in connection with the proposed day care and kindergarten, will consist of one vehicle and shall be of a van type; vehicle will be stored on the premises."

The purpose of this request is to permit the modification of the aforementioned conditions to permit a new day care center and kindergarten on the subject property.

- (4) NON-USE VARIANCE OF SIGN REGULATIONS limiting the number and size of signs in the EU-1 district to one 1.5 sq. ft.; to waive same to permit a proposed wall sign to be 27 sq. ft. and a second detached sign to be 48 sq. ft.

- (5) NON-USE VARIANCE OF SETBACK REQUIREMENTS as applied to signs to permit the second detached sign to setback 10' (15' required) from the front (west) zoned right-of-way line and to setback 4' (15' required) from the side street (south) zoned right-of-way line.
- (6) NON-USE VARIANCE OF ZONING REGULATIONS as applied to parking to permit 5 parking spaces to be within 25' of the zoned right-of-way (none permitted).
- (7) MODIFICATION of plans approved pursuant to Resolution Z-161-82, passed and adopted by the Board of County Commissioners on the 22nd day of July, 1982 and reading as follows:

FROM: "'Proposed Renovation for: Dr. Ronald Cantwell,' prepared by Michael A. Scavuzzo & Associates, Architects, and dated 3-29-82, site plan dated 4-23-82."

TO: "'A New Building for: Kinder-care Learning Centers, Inc.,' as prepared by Crowder, Mahoney, Makowski, Rice, Inc., dated received 11-7-88; a floor plan and elevations entitled 'Kinder Care Learning Centers, Inc.,' as prepared by Mark D. Pavey, Architect, dated 7-28-88."

The purpose of this request is to permit a new building to be erected on the subject property.

The aforementioned plans are on file and may be examined in the Zoning Department. Plans may be modified at public hearing.

SUBJECT PROPERTY: Tract 21, KENDALL GREEN HOMESITES, Plat book 40, Page 52.

LOCATION: 8571 S.W. 112 Street, Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested unusual use, non-use variances and modifications would not be compatible with the area and its development and 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;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the requested application be and the same is hereby denied without prejudice.

The Zoning Director is hereby directed to make the necessary notations upon the records of the Dade County Building and Zoning Department.

PASSED AND ADOPTED this 12th day of APRIL, 1989.

RESOLUTION NO. Z-161-82

The following resolution was offered by Commissioner Clara Oesterle, seconded by Commissioner Beverly B. Phillips, and upon poll of members present the vote was as follows:

Barbara M. Carey	nay	Barry D. Schreiber	nay
Clara Oesterle	aye	Ruth Shack	aye
Beverly B. Phillips	aye	Jorge (George) Valdes	absent
James F. Redford, Jr.	absent	Stephen P. Clark	aye
Harvey Ruvin	aye		

WHEREAS, CHARLES T. AND MARGUERITE A. BETHEL had applied for the following:

SPECIAL EXCEPTION to permit a private school; grades kindergarten through 8.

Plans are on file and may be examined in the Zoning Department entitled "Proposed Renovation For: Dr. Ronald Cantwell" prepared by Michael A. Scavuzzo & Associates, Architects, and dated 3-29-82, site plan dated 4-23-82.

SUBJECT PROPERTY: Tract 21, KENDALL GREEN HOMESITES, Plat book 40, Page 52.

LOCATION: 8571 S.W. 112 Street, Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and upon due and proper consideration having been given to the matter, it was the opinion of the Zoning Appeals Board that the requested special exception would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance and approved the request, subject to conditions, and

WHEREAS, Davidson B. Lieux, et al, appealed the decision of the Zoning Appeals Board to this Board, and after a 15-day notice of the time and place of the meeting of this Board was published as required by the Zoning Procedure Ordinance a hearing was held by this Board, and after reviewing the record and decision of the Zoning Appeals Board and after having given an opportunity for interested parties to be heard, it is the opinion of this Board that the grounds and reasons specified for the reversal of the ruling made by the Zoning Appeals Board were insufficient to merit a reversal of the decision;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that the decision of the Zoning Appeals Board be and the same is hereby sustained and the requested special exception to permit a private school, grades kindergarten through 8, be and the same is hereby approved, subject to the following conditions:

1. That a detailed plot use plan be submitted to and meet with the approval of the Zoning Director; said plan shall be drawn to scale and shall include dimensions to indicate lot size, distances from center line of streets to property lines, size and location of building or buildings; said plan shall also include among other things, but not be limited thereto, off-street parking areas and driveways, walls, hedges and fences,

The following resolution was offered by Commissioner Clara Oesterle, seconded by Commissioner Beverly B. Phillips, and upon poll of members present the vote was as follows:

Barbara M. Carey	nay	Barry D. Schreiber	nay
Clara Oesterle	aye	Ruth Shack	aye
Beverly B. Phillips	aye	Jorge (George) Valdes	absent
James F. Redford, Jr.	absent	Stephen P. Clark	aye
Harvey Ruvin	aye		

WHEREAS, CHARLES T. AND MARGUERITE A. BETHEL had applied for the following:

SPECIAL EXCEPTION to permit a private school; grades kindergarten through 8.

Plans are on file and may be examined in the Zoning Department entitled "Proposed Renovation For: Dr. Ronald Cantwell" prepared by Michael A. Scavuzzo & Associates, Architects, and dated 3-29-82, site plan dated 4-23-82.

SUBJECT PROPERTY: Tract 21, KENDALL GREEN HOMESITES, Plat book 40, Page 52.

LOCATION: 8571 S.W. 112 Street, Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and upon due and proper consideration having been given to the matter, it was the opinion of the Zoning Appeals Board that the requested special exception would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance and approved the request, subject to conditions, and

WHEREAS, Davidson B. Lieux, et al, appealed the decision of the Zoning Appeals Board to this Board, and after a 15-day notice of the time and place of the meeting of this Board was published as required by the Zoning Procedure Ordinance a hearing was held by this Board, and after reviewing the record and decision of the Zoning Appeals Board and after having given an opportunity for interested parties to be heard, it is the opinion of this Board that the grounds and reasons specified for the reversal of the ruling made by the Zoning Appeals Board were insufficient to merit a reversal of the decision;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that the decision of the Zoning Appeals Board be and the same is hereby sustained and the requested special exception to permit a private school, grades kindergarten through 8, be and the same is hereby approved, subject to the following conditions:

1. That a detailed plot use plan be submitted to and meet with the approval of the Zoning Director; said plan shall be drawn to scale and shall include dimensions to indicate lot size, distances from center line of streets to property lines, size and location of building or buildings; said plan shall also include among other things, but not be limited thereto, off-street parking areas and driveways, walls, hedges and fences,

landscaping, etc. The plot plan shall contain a title block identifying the project, the name and title of the person preparing the plan, the date of preparation of the plan, and the scale of the drawing.

2. That the proposed structure, or the addition to the existing structure, be of a residential type and character and meet with the approval of the Zoning Director.
3. That the use be established and maintained in accordance with the approved plan.
4. That the use be approved and restricted to a maximum of 48 students.
5. That the uses be conducted on the premises on weekdays only, Monday through Friday from 8:00 A.M. to 2:30 P.M. and on Saturday from 9:00 A.M. to 12:00 P.M.
6. That a heavy border of Areca Palms be planted along the north property line to act as a sound buffer for the adjacent property owners.
7. That the number of grades will be from kindergarten through eight.
8. That the number of classrooms shall not exceed six.
9. That the number of teachers shall not exceed five. That the number of administrative and clerical personnel (other than teachers) will be 3.
10. That transportation to be furnished in connection with the proposed school, will consist of eight vehicles and shall be of a car type; said vehicles will not be stored on the premises.
11. That the applicant dedicate an additional five feet of right-of-way for S.W. 87 Avenue.
12. That the existing sanitary system on the property be upgraded to accommodate the additional loading associated with the proposed school in accordance with Chapter 24-13 of the Metropolitan Dade County Code.
13. That the applicants submit to the Planning Department for its review and approval a landscape plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to issuance of a certificate of occupancy.
14. That the Certificate of Use and Occupancy be automatically renewable annually by the Dade County Building and Zoning Department upon compliance with all terms and conditions and be subject to cancellation upon violation of any of the conditions, or when in the opinion of the Metropolitan Dade County Zoning Appeals Board, after public hearing, it is determined that the use is detrimental to and/or incompatible with the surrounding neighborhood.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department, and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 22nd day of July, 1982.

May, 1982
No. 82-6-31
vp
7/26/82

DADE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS
Richard P. Brinker, Clerk

By _____
Deputy Clerk

This resolution transmitted to the Clerk of the Board of County Commissioners on the 4th day of August, 1982.

The following resolution was offered by Mr. Thomas A. Conger seconded by Mr. Levi A. Johnson and upon poll of members present, the vote was as follows:

Francis A. Anania	aye	Jose A. Losa	absent
Thomas A. Conger	aye	Margaret Nelson	aye
Lillian Dickmon	absent	Murray Sisselman	absent
Peter Goldring	absent	R. Jollivette Frazier	aye
Levi A. Johnson	aye		

WHEREAS, CHARLES T. & MARGUERITE A. BETHEL have applied for the following:

SPECIAL EXCEPTION to permit a private school; grades kindergarten through 8.

Plans are on file and may be examined in the Zoning Department entitled "Proposed Renovation For: Dr. Ronald Cantwell", prepared by Michael A. Scavuzzo & Associates, Architects, and dated 3-29-82, site plan dated 4-23-82.

SUBJECT PROPERTY: Tract 21, KENDALL GREEN HOMESITES, Plat book 40, Page 52.

LOCATION: 8571 S.W. 112 Street, Dade County, Florida.

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, 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 would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance.

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board, that the requested special exception to permit a private school be and the same is hereby approved subject to the following conditions:

1. That a detailed plot use plan be submitted to and meet with the approval of the Zoning Director; said plan shall be drawn to scale and shall include dimensions to indicate lot size, distances from center line of streets to property lines, size and location of building or buildings; said plan shall also include among other things, but not be limited thereto, off-street parking areas and driveways, walls, hedges and fences, landscaping, etc. The plot plan shall contain a title block identifying the project, the name and title of the person preparing the plan, the date of preparation of the plan, and the scale of the drawing.
2. That the proposed structure, or the addition to the existing structure, be of a residential type and character and meet with the approval of the Zoning Director.
3. That the use be established and maintained in accordance with the approved plan.
4. That the use be approved and restricted to a maximum of 48 students.
5. That the uses be conducted on the premises on weekdays only, Monday through Friday from 8:00 A.M. to 2:30 P.M. and on Saturday from 9:00 A.M. to 12:00 P.M.

6. That a heavy border of Areca Palms be planted along the north property line to act as a sound buffer for the adjacent property owners.
7. That the number of grades will be from kindergarten through eight.
8. That the number of classrooms shall not exceed six.
9. That the number of teachers shall not exceed five. That the number of administrative and clerical personnel (other than teachers) will be 3.
10. That transportation to be furnished in connection with the proposed school, will consist of eight vehicles and shall be of a car type; said vehicles will not be stored on the premises.
11. That the applicant dedicate an additional five feet of right-of-way for S.W. 87 Avenue.
12. That the existing sanitary system on the property be upgraded to accommodate the additional loading associated with the proposed school in accordance with Chapter 24-13 of the Metropolitan Dade County Code.
13. That the applicants submit to the Planning Department for its review and approval a landscape plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to issuance of a certificate of occupancy.
14. That the Certificate of Use and Occupancy be automatically renewable annually by the Dade County Building and Zoning Department upon compliance with all terms and conditions and be subject to cancellation upon violation of any of the conditions, or when in the opinion of the Metropolitan Dade County Zoning Appeals Board, after public hearing, it is determined that the use is detrimental to and/or incompatible with the surrounding neighborhood.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department and to issue all permits in accordance with the conditions of this resolution.

PASSED AND ADOPTED this 9th day of June, 1982.

Heard 6/9/82
Hearing No. 82-6-31
6/14/82 aa

This instrument was prepared by
under the supervision of:

Name: Tracy R. Slavens, Esq.
Address: Holland & Knight LLP
701 Brickell Avenue, Suite 3000
Miami, Florida 33131

(Space reserved for Clerk of Court)

**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**

THIS Modification of Declaration of Restrictions is made this 21st day of March, 2007,
CHILDREN'S RESOURCE FUND, INC., a Florida non-profit corporation (the "Owner"), in
of Miami-Dade County, a political subdivision of the State of Florida (the "County").

WITNESSETH:

WHEREAS, the Owner holds fee simple title to that certain property lying, being and
located in Miami-Dade County, Florida, to wit:

TRACT 21 OF "KENDALL GREEN HOMESITES", ACCORDING TO THE PLAT
THEREOF, AS RECORDED IN PLAT BOOK 40, AT PAGE 52, OF THE PUBLIC
RECORDS OF MIAMI-DADE COUNTY, FLORIDA

hereinafter referred to as the "Property;" and

WHEREAS, a Declaration of Restrictions in favor of the Miami-Dade County, was
recorded in the Public Records of Miami-Dade County in Official Records Book 16537, at Page
, and was subsequently modified by a Modification of Declaration of Restrictions recorded in
Public Records of Miami-Dade County in Official Records Book 22264, at Page 0054
hereinafter referred to collectively as the "Declaration"), which placed certain restrictions and
conditions on the use of the Property;

WHEREAS, a public hearing was held before the Community Zoning Appeals Board for
Area 12 (the "CZAB") on February 6, 2007 at which hearing the CZAB adopted Resolution No.

AB12-8-07 (the "Resolution"); and

WHEREAS, the Resolution approved the modification of Paragraph #1 of the Declaration to read as follows:

DM:

"1. SUBSTANTIAL COMPLIANCE WITH PLANS. Notwithstanding the zoning classification of the property, the use of the property shall be established and maintained substantially in accordance with the plans submitted by the owner to the Public Hearings Section of the Dade County Building and Zoning Department as part of this application, which are entitled 'New Establishment for Children's Resource Center, Dade County, Florida' (Project No. 9280), dated submitted June 14, 1994, as prepared by Cohen, Freedman, Encinosa, Architects, P.A., and consisting of sheets A-1A and A-1, and the elevations rendering (the 'Plans')."

"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, Architects, P.A., dated stamped received 7/3/06 and consisting of five (5) sheets."

WHEREAS, the Resolution approved the modification of Paragraph #3 (Subparagraphs and 3f) of the Declaration to read as follows:

DM: "3e. That the classrooms shall not exceed six."

"3e. That the classrooms shall not exceed eight (8)."

DM: "3f. That the number of teachers and teacher assistants shall not exceed sixteen (16)."

"3f. That the number of teachers and teacher assistants shall not exceed twenty-one (21)."

NOW, THEREFORE, the parties agree as follows:

1. Paragraph #1 of the Declaration and as modified herein, shall hereby 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, Architects, P.A., dated stamped received 7/3/06 and consisting of five (5) sheets."

2. Paragraph #3 (Subparagraphs 3e and 3f) of the Declaration, as modified, shall hereby read as follows:

"3e. That the classrooms shall not exceed eight (8)."

"3f. That the number of teachers and teacher assistants shall not exceed twenty-one (21)."

3. Except as modified herein, all other restrictions in the Declaration shall remain in full force and effect.

[Signature pages to follow]



CFN 2004R031778
DR Bk 22264 Pgs 0054 - 58; (5
RECORDED 05/04/2004 14:41:3
HARVEY RUVIN, CLERK OF COUR
MIAMI-DADE COUNTY, FLORIDA

This instrument was prepared by
under the supervision of:

Name: Juan J. Mayo, Jr.
Address: Akerman, Senterfit & Eidson, P.A.
28th Floor
One Southeast Third Avenue
Miami, Florida 33131

(Space reserved for Clerk of Court)

**MODIFICATION OF DECLARATION OF RESTRICTIONS RECORDED AT
OFFICIAL RECORDS BOOK 16537, PAGES 691 TO 705**

THIS Modification of Declaration of Restrictions is made this 30 day of April, 2004,

Children's Resources Fund, Inc., a Florida corporation (the "Owner"), in favor of Miami-Dade
County, a political subdivision of the State of Florida (the "County").

WITNESSETH:

WHEREAS, the Owner holds fee simple title to that certain property lying, being and
located in Miami-Dade County, Florida, to wit:

**Tracts 21 of "KENDALL GREEN HOMESITES," according
to the plat thereof as recorded in Plat Book 40, at Page 52 of
the Public Records of Miami-Dade County, Florida.**

hereinafter referred to as the "Property;" and

WHEREAS, a Declaration of Restrictions (hereinafter referred to as the "Declaration") in
of the Miami-Dade County, was recorded in the Public Records of Miami-Dade County in
Official Records Book 16537, at Pages 691 to 705, which placed certain restrictions and
conditions on the use of the Property; and

098738:1}

5

WHEREAS, a public hearing was held before the Community Zoning Appeals Board for Area 12 (the "CZAB") on February 20, 2001 at which hearing the CZAB adopted Resolution No. CZAB12-7-01 (the "Resolution"); and

WHEREAS, the Resolution approved the deletion of Paragraph 3 of the Declaration in their entirety, which paragraph read as follows:

"(3) 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 forty-eight (48) students;
- (c) the use will be conducted on the premises Monday through Saturday from 8:00 a.m. to 6:00 p.m.
- (d) instruction will be limited to nursery and preschool 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 the 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; (iii) to change the age group of the students; or (iv) 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 evenings."

NOW, THEREFORE, the parties hereby agree as follows:

1. Paragraph No. 3 of the Declaration shall now read as follows:

"(3) 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 Miami-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 8:00 a.m. to 6:00 p.m. ✓
- (d) instruction will be limited to nursery and preschool 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 the 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; (iii) to change the age group of the students; or (iv) 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 evenings."

2. Except as hereby amended, all other restrictions in the Declaration shall remain in full force and effect.

[Signature Pages Follow]

This instrument was prepared by:

Name: Juan J. Mayol, Jr., Esquire
 Address: Greenberg, Traurig, Hoffman,
 Lipoff, Rosen & Quentel, P.A.
 1221 Brickell Avenue
 Miami, Florida 33131-3261

(Space reserved for Clerk of Court)

DECLARATION OF RESTRICTIONS

WHEREAS, Children's Resource Fund, Inc., a Florida not-for-profit corporation (collectively, the "Owner"), filed Application No. 94-143 (the "Application") with the Dade County Building and Zoning Department for certain zoning approvals on that certain property which is more fully described on Exhibit A hereto; and

WHEREAS, on August 31, 1994, the Zoning Appeals Board (the "Board") will consider the Application at a public hearing.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS that the Owner, in order to assure the Board that representations made to it during its consideration of the Application will be abided by, freely, voluntarily and without duress, makes the following Declaration of restrictions covering and running with the above-described real property:

(1) Substantial Compliance with Plans.

Notwithstanding the zoning classification of the Property, the use of the Property shall be established and maintained substantially in accordance with the plans submitted by the Owner to the Public Hearings Section of the Dade County Building and Zoning Department as part of the Application, which are entitled New Establishment for Children's Resource Center, Dade County,

orida" (Project No. 9280), dated submitted June 14, 1994, as prepared by Cohen, Freedman, Encinosa Architects, P.A., and consisting of sheets A-1A and A-1, and the elevations rendering the "Plans").

(2) Landscaping.

Prior to the issuance of a certificate of use and occupancy for the improvements on the Property, the Owner shall install, and hereafter shall maintain for as long as the use of the Property reflected on the Plans continues, such landscaping as is shown on sheet A-1A of the Plans. The Owner acknowledges that it may modify the landscaping shown on sheet A-1A of the Plans if it results in an improvement of the environmental and xeriscape qualities of the landscaping through such means as the utilization of native plant materials and the employment of xeriscape techniques and methods. In addition, the Owner shall install and similarly maintain a dense hedge on the northern boundary of the proposed parking area. Moreover, the Owner shall maintain the existing six foot high wooden fence and Areca Palm hedge along the eastern boundary of the Property.

(3) 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 forty-eight (48) students;
- (c) the use will be conducted on the premises Monday through Saturday from 8:00 a.m. to 6:00 p.m. ✓
- (d) instruction will be limited to nursery and preschool 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 12 car types and two vans, which shall not be stored on the 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, or parking spaces, except as shown on the Application and the Plans; (iii) to change the age group of the students; or (iv) to operate the use 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 evenings.

(4) Authorization for Building and Zoning Department to withhold Permits and Inspections.

In the event the Owner does not comply with the terms of this Declaration, in addition to any other remedies available, the Dade County Building and Zoning Department is hereby authorized to withhold any further permits, and refuse to make any inspections or to grant any approvals, until such time as this Declaration is complied with.

(5) Miscellaneous.

A. Election of Remedies. All rights, remedies and privileges set forth herein shall be deemed to be cumulative and the exercise of one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

B. Inspection. It is hereby understood and agreed that any official inspector of the Dade County Building and Zoning Department, or its agents duly authorized, has the privilege at any time during normal working hours of entering and investigating the premises to determine whether the requirements of the Building and Zoning regulations and the conditions of this Declaration are being complied with.

C. Application of Declaration. These restrictions during the lifetime shall be for the benefit of, and limitation upon,

all present and future owners of the real property and for the public welfare.

This Declaration on the part of the Owner shall constitute a covenant running with the land, shall be recorded in the public records of Dade County, Florida, and shall remain in full force and effect and be binding upon the undersigned, their heirs, successors and assigns.

D. Term of Declaration. This declaration on the part of the owner shall run with the land and shall be binding upon the undersigned, heirs, successors and assigns for an initial period of thirty (30) years from the date this Declaration is recorded in the public records of Dade County, Florida, and shall be extended automatically for successive periods of ten (10) years, thereafter, unless an instrument executed by a majority of the, then, fee simple owner(s) of the Property has been recorded agreeing to change the covenants in whole, or in part, provided that the declaration has first been modified, amended or released as set forth in Paragraph E below.

E. Release, Modification or Amendment. This Declaration may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of the fee simple title to the lands which such modification, amendment or release pertains, provided that the same shall also be approved after public hearing by resolution of the Zoning Appeals Board or the Board of County Commissioners, whichever by law has jurisdiction.

Should this Declaration of Restrictive Covenants be so modified, amended or released, the Director of the Dade County Building and Zoning Department, or of its successor agency, shall forthwith execute a written instrument in recordable form effectuating and acknowledging such modification, amendment or release.

F. Enforcement. Enforcement shall be by action against any parties or persons violating, or attempting to violate any covenants. The prevailing party in any action, or suit pertaining to or arising out of this Declaration, shall be entitled to recover, in addition to costs and disbursements allowed by law, a sum as the Court may adjudge to be reasonable for the services of an attorney. This enforcement provision shall be in addition to other remedies available at law or in equity or both.

G. Presumption of Compliance. Where construction has been carried on the Property or any portion thereof, pursuant to a building permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, erection and approval shall create a rebuttable presumption that buildings or structures thus constructed comply with the intent and spirit of this Declaration.

H. Severability. Invalidation of any one of these covenants, by judgment or Court, in no way shall affect any of the other provisions which shall remain in full force and effect.

1000 10 001.

I. Recording. This Declaration shall be filed of record in public records of Dade County, Florida at the cost of the Owner following the adoption by the Dade County Zoning Appeals Board of resolution approving the Application.

Signed, witnessed, executed and acknowledged on this 24 day of
st, 1994.

Children's Resource Fund, Inc.

Witness:
[Signature]
:
[Signature]
:

Peggy Kennedy
Address:

Title: CHAIRMAN

Attest: _____
Title: _____

[seal]

OF FLORIDA

TY OF DADE

)
) SS:
)

The foregoing instrument was acknowledged before me this 25
of AUGUST, 1994 by PEGGY ARMAY and _____, as
MAN and _____ of the Children's Resource
Inc., a Florida not-for-profit corporation, who executed the
going on behalf of the corporation. They personally appeared
re me, is personally known to me or produced _____
as identification, and [did] [did not] take an oath.

[NOTARIAL SEAL]

Notary: [Signature]
Print Name: PAULET BAWGAS
Notary Public, State of FLORIDA
My commission expires: 1/1/95

OFFICIAL NOTARIAL SEAL
PAULET BAWGAS
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. 0005500
MY COMMISSION EXPIRES 1/1/95

JOINDER BY MORTGAGEE

The undersigned, Jack J. Partagas, in his capacity as President of Commercial Bank of Florida, Mortgagee, of that certain mortgage from Children's Resource Fund, Inc., dated the 30th day of December, 1991, and recorded in Official Records Book 15329, Page 80, of the Public Records of Dade County, Florida, covering all/or a portion of the property described in the foregoing agreement, does hereby acknowledge that the terms of this joinder are and shall be binding upon the undersigned and its successors in title.

IN WITNESS WHEREOF, these presents have been executed this 1st of September, 1994.

Pamela J. Banegas
Pamela J. Banegas

Geraldine Kitchell
Geraldine Kitchell

By: Jack J. Partagas
President
Address: 1660 S. W. 57 Ave.
Miami, FL 33144

STATE OF FLORIDA

CITY OF DADE

The foregoing instrument was acknowledged before me this 1
of September, 1994 by JANE J. PATTONAS, of
(name of Corporation), a _____
corporation, on behalf of the corporation. He/She is personally
to me or has produced _____ as
attestation.

Do not take an oath

Pamela J. Bariegas
Notary Public
Pamela J. Bariegas
Print Name

Commission Expires:



EXHIBIT A

(LEGAL DESCRIPTION OF THE PROPERTY)

TRACT 21 OF "KENDALL GREEN HOMESITES", ACCORDING TO THE
PLAT THEREOF, AS RECORDED IN PLAT BOOK 40, AT PAGE 52,
AMONG THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA

Article Seven*President's Council and Board of Directors*

The business of this organization shall be managed by a Board of Directors consisting of thirty (30) members. At least one of the directors elected shall be a resident of the state of Florida and a citizen of the United States.

The Board of Directors shall have the control and management of the affairs and business of this organization. Such Board of Directors shall only act in the name of the organization when it shall be regularly convened by its Chairman after due notice to all the Directors of such meeting.

A majority of the members of the Board of Directors shall constitute a quorum and the meetings of the Board of Directors may be held regularly on the 2nd Thursday of the months of September, November, February and April.

Each Director shall have one (1) vote and such voting may not be done by proxy.

~~They may~~ The Board of Directors may make such rules and regulations covering its meetings as it may in its discretion determine necessary ~~and omit~~

Vacancies in the said Board of Directors shall be filled by the President for the balance of the year.

The Chief Executive Officer of the organization, by virtue of her office shall be Chairman of the Board of Directors.

A Director may be removed when sufficient cause exists for such removal. The Board of Directors may entertain charges against any Director. A Director may be represented by counsel upon any removal hearing. The Board of Directors shall adopt

such rules as it may in its discretion consider necessary for the best interests of the organization, for this hearing.

The Presidents' Council may appoint from their membership, upon recommendation of the Chairman of the Board and President, an Executive Committee or other committees, consisting of one or more members. The Presidents Council shall have the authority to make overall organization policy, propose fund raising events, and otherwise manage the affairs of the organization on behalf of the Board and subject to the ratification of the Board. The Executive Committee and any other committees shall keep minutes of their actions and, as soon as practicable, shall submit all decisions made to the Board of Directors for its consideration.

To become a member of the Presidents' Council you must be a member in good standing, a past president, and receive a majority vote of the Presidents' Council.

The officers of the organization shall be as follows:

Chairman of the Board
 President
 President-Elect
 Vice President(s)
 Recording Secretary
 Corresponding Secretary
 Treasurer
 Assistant Treasurer

RECORDED IN OFFICIAL RECORDS BOOK
OF DADE COUNTY, FLORIDA
RECORD VERIFIEDHARVEY RUVIN,
Clerk of Circuit & County
Courts

★

The Chairman of the Board shall work on all aspects of managing the organization, and help to guide the organization in decision-making, planning and projects. She shall by virtue of her office be Chairman of the Board and shall be responsible for making, executing and signing all contracts in the name of the organization. She shall see that all books, reports and certificates as required by law are properly kept or filed. She shall have such powers as may be reasonably construed as belonging to the Chief Executive Officer of any organization.

The President shall preside at all Board and general membership meetings. The President shall present at each annual meeting of the organization an annual report of the work of the organization. She shall make appointments to all committees, temporary or permanent. [beg omit] She shall see that all books, reports and certificates as required by law are properly kept or filed. and omit] She shall be one of the officers who may sign the checks or drafts of the organization.

The President-Elect shall in the event of the absence or inability of the President to exercise her office become acting President of the organization with all the rights, privileges and powers as if she had been the duly elected President.

The President-Elect shall serve in such capacity for one (1) year and assume the