Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-6-15

WHEREAS, THE SEED SCHOOL OF MIAMI FOUNDATION, INC., applied for the following:

(1) SPECIAL EXCEPTION to permit a charter school with dormitories.

(2) NON-USE VARIANCE to permit a Gymnasium/Student Dining building setback 35.4′ (50′ required) from the interior side (east) property line.

(3) NON-USE VARIANCE to permit a building with 3 stories (2 stories permitted) and with a height of 51′ (35′ permitted).

(4) NON-USE VARIANCE to permit a lot coverage of 22% (15% permitted).

(5) NON-USE VARIANCE to permit 229 lot trees (251 required).

(6) NON-USE VARIANCE to permit parking within 25′ of the right-of-way (not permitted).

(7) NON-USE VARIANCE to permit an 8′ high vinyl chain link fence (6′ high maximum permitted) along the north, south, east and west property lines and to permit the 8′ high vinyl chain link fence within 10′ of the edge of a driveway leading to a public right-of-way (2.5′ maximum height permitted).

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "The Seed School of Miami-Zoning" as prepared by Marks, Thomas Architects, consisting of 22 sheets and landscape plans entitled "Seed School of Miami" as prepared by James Santiago Landscape Architect, consisting of 12 sheets, all sheets dated stamped received 5/4/15 for a total of 34 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: A portion of the N ½ of the SE ¼ of Section 31, Township 54 South, Range 40 East, being more particularly described as follows: Commence at the SE corner of the NW ¼ of the SE ¼ of said Section 31; thence South 89°58′32″W along the South line of the North ½ of the SE ¼ of said Section 31 for 0.28′ to the Point of Beginning; thence continue South 89°58′32″W, along said South line of the North ½ of the SE ¼ of said Section 31, also being Northerly right-of-way line of SW 84th Street for 376.65′; thence North 00°05′02″E for 456.15′; thence North 04°37′39″E for 37.36′; thence North 13°31′25″E for 219.43′; thence South 89°11′58″E for 510.44′; thence South 00°01′28″E for 680.49′ to the North right-of-way of said SW 84th Street; thence South 84°16′27″W along said right-of-way line for 189.98′ to the Point of Beginning. AND a portion of the N ½ of the SE ¼ of Section 31, Township 54 South, Range 40 East, being more particularly described as follows: Commence at the SE corner of the NW ¼ of the SE ¼ of said Section

31; thence South 89°58′32″W along the South line of the North ½ of the SE ¼ of said Section 31 for 369.41′ to the Point of Beginning; thence continue South 89°58′32″ W along said South line 53.98′; thence North 00°03′08″E 301.13′; thence South 89°54′58″E 46.64′; thence South 00°05′02″W 293.53′ to a Point of Curvature; thence Southerly and Easterly along the arc of a curve to the left, having a radius of 7.50′, a central angle of 90°06′30″, for an arc distance of 11.80′ to the Point of Beginning.

LOCATION: 11025 SW 84 Street, MIAMI-DADE COUNTY, FLORIDA, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant requested permission to withdraw the requested NON-USE VARIANCE to permit a Gymnasium/Student Dining building setback 35.4′ from the interior side (east) property line (Item #2) and the NON-USE VARIANCE to permit 229 lot trees (Item #5), and

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter and to the recommendation of the Developmental Impact Committee, it is the opinion of this Board that the requested SPECIAL EXCEPTION to permit a charter school with dormitories (Item #1) would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance and would be consistent with the Comprehensive Development Master Plan, and that the requested SPECIAL EXCEPTION (Item #1) would not have an adverse impact upon the public interest and should be approved, and

WHEREAS, the requested NON-USE VARIANCE to permit a building with 3 stories and with a height of 51′ (Item #3), the NON-USE VARIANCE to permit a lot coverage of 22% (Item #4), the NON-USE VARIANCE to permit parking within 25′ of the right-of-way

(Item #6), and the NON-USE VARIANCE to permit an 8′ high vinyl chain link fence along the north, south, east and west property lines and to permit the 8′ high vinyl chain link fence within 10′ of the edge of a driveway leading to a public right-of-way (Item #7) would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance and would be consistent with the Comprehensive Development Master Plan, and

WHEREAS, the withdrawal of the requested NON-USE VARIANCE to permit a Gymnasium/Student Dining building setback 35.4′ from the interior side (east) property line (Item #2) and the NON-USE VARIANCE to permit 229 lot trees (Item #5) should be accepted, and

WHEREAS, a motion to approve Items #1, #3, #4, #6, and #7, and to withdraw Items #2 and #7, was offered by Commissioner Sen. Javier D. Souto, seconded by Commissioner Barbara J. Jordan, and upon a poll of the members present the vote was as follows:

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

Jean Monestime absent

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the requested SPECIAL EXCEPTION to permit a charter school with dormitories (Item #1), the NON-USE VARIANCE to permit a building with 3 stories and with a height of 51′ (Item #3), the NON-USE VARIANCE to permit a lot coverage of 22% (Item #4), the NON-USE VARIANCE to permit parking within 25′ of the right-of-way (Item #6), and the NON-USE VARIANCE to permit an 8′ high vinyl chain link fence along the north, south, east and west property lines and to permit the 8′ high vinyl

chain link fence within 10′ of the edge of a driveway leading to a public right-of-way (Item #7) be and the same are hereby approved, subject to the following conditions:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources or its successor upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "The Seed School of Miami-Zoning" as prepared by Marks, Thomas Architects, consisting of 22 sheets and landscape plans entitled "Seed School of Miami" as prepared by James Santiago Landscape Architect, consisting of 12 sheets, all sheets dated stamped received 5/4/15 for a total of 34 sheets, except as herein modified to provide 251 lot trees.

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

4. That the applicant submits to the Department of Regulatory and Economic Resources for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Occupancy.

5. That the applicant shall comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the Public Works and Waste Management Department as may be contained in its memorandum dated April 13, 2015.

6. That in the event the use of the dormitories ceases, the applicant shall be required to re-evaluate the existing Traffic Operation Plan (TOP) and seek approval of same by the Public Works and Waste Management Department.

7. That the applicant comply with all the applicable conditions, requirements, recommendations, requests and other provisions of the Division of Environmental Resources of the Department of Regulatory and Economic Resources as contained in its memorandum dated May 21, 2015.

8. That the applicant preserve specimen trees labeled 3, 4, 5, 46 and 61 in their current location and preserve and relocate specimen trees labeled 20, 38 and 65 within the subject property as depicted in revised landscape plan entitled "SEED School of Miami", prepared by James Santiago, dated May 4, 2015, stamped received on May 4, 2015 pursuant to Section 24-49.2(II)(2) of the Code of Miami Dade County. The applicant shall modify construction building permit plans, if necessary, to prevent any improper cutting or pruning and to prevent any damage to the specimen trees.

9. That the applicant execute a specimen tree covenant to preserve these specimen trees being preserved in their present locations.

10. That the applicant obtain a Miami-Dade County Tree Removal/Relocation permit prior to the removal and/or relocation of any trees on the subject site.

11. That in addition to the landscaping indicated in the plans, the applicant shall install a hedge of native plant species, 18″ high at the time of planting, which shall grow to and be maintained at a maximum height of 4′ along the exterior of the fence abutting the roadway to the south.

12. That the applicant submit a DERM approved endangered species survey and as a condition of any demolition/development permits for this project because of the potential presence of protected bat species in the structures on-site.

13. That the applicant obtain a Certificate of Use from and promptly renew the same annually with the Department of Regulatory and Economic Resources, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

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

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

16. That the charter school use be limited to grades 6th – 12th and be limited to a maximum of 400 students.

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

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

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

20. That the waste pick-up for the charter school shall be performed by a private commercial entity and shall be limited to pick-up between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except during arrival and dismissal times.

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

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

23. That if the charter school fails after establishment, the owner, within thirty-six months of the charter school's closure shall:

    a) Cause the charter school to be in full compliance with all zoning regulations applicable to the Property allowing a use other than the charter school.

    b) Transfer the operation of the charter school to another charter school operator or to the Miami-Dade County School Board after securing the necessary approvals from the Miami-Dade School Board; or

    c) Convert the charter school to a permitted use within the zoning district applicable to the property, provided said use has first been authorized through the issuance of the appropriate permits from the Department; or

    d) Secure necessary public hearing approvals to convert the charter school to a use not otherwise permitted within the zoning district applicable to the property.

BE IT FURTHER RESOLVED that the request to withdraw the NON-USE VARIANCE to permit a Gymnasium/Student Dining building setback 35.4' from the interior side (east) property line (Item #2) and the NON-USE VARIANCE to permit 229 lot trees (Item #5) be and the same is hereby granted and said Item is hereby 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 Regulatory and Economic Resources and to issue all permits in accordance with the terms and conditions of this resolution.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 18th day of June, 2015, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 15-6-CC-1
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HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

By CHRISTOPHER AGRIPA
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 13TH DAY OF July, 2015.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Rosa Davis, as Deputy Clerk for the Miami-Dade County Department of Regulatory and Economic Resources as designated by the Director of the Miami-Dade County Department of Regulatory and Economic Resources and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-6-15 adopted by said Board of County Commissioners at its meeting held on the 18th day of June, 2015.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 13th day of July, 2015.

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

SEAL

COUNTY COMMISSIONERS
MIAMI-DADE COUNTY FLORIDA

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

July 13, 2015

The Seed School of Miami Foundation, Inc.
c/o Jorge L. Navarro
333 S.E. 2nd Avenue, 40th Floor
Miami, FL 33131

Re: Hearing No. 15-6-CC-1 (15-012)
Location: 11025 SW 84 St, Miami-Dade County, Florida.

Dear Applicant:

Enclosed herewith is Resolution No. Z-6-15, adopted by the by the Board of County Commissioners which approved Items #1, #3, #4, #6, and #7 of your application on the above described property, and approved the withdrawal of Items #2 and #5 without prejudice. Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required. Failure to comply with stipulated conditions, if any, will result in the immediate issuance of a civil violation notice for each condition violated. Each notice issued may require payment of a daily monetary fine.

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

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

The Board's decision may be appealed by an aggrieved party to Circuit Court within 30 days of the date of transmittal of the resolution to the Clerk of the Count Commission. The transmittal date is **July 13, 2015**. In the event an appeal is filed, any building permit sought shall be at the risk of the party seeking said permit. Copies of any court filings concerning this matter should be served upon both my office and:

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

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

Sincerely,

Deputy Clerk

Enclosure