Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-9-15

WHEREAS, ADVANCED LEARNING CHARTER SCHOOL, INC., DBA HIVE PREPARATORY. SCHOOL, INC. applied for the following:

(1) SPECIAL EXCEPTION to permit the expansion of the existing charter school from grades K-5 to grade K-8.

(2) MODIFICATION of Conditions #2, #9 and #10 of Resolution # Z-24-09 passed and adopted by the Board of County Commissioners, and reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Plans for Proposed tenant Improvements of: The Advance Learning Academy," as prepared by Consulting & Specialty Engineering Services, Inc., consisting of 12 sheets, dated stamped received 06/16/09.

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Advance Learning Academy DBA Hive Prep," as prepared by Sol-Arch., with sheets A-100 & A-200, dated stamped received 4/17/15, and the remaining 10 sheets dated stamped received 3/4/15, for a total of 12 sheets.

FROM: "9. That the charter school use be limited to grades Kindergarten through 5th and be limited to a maximum of 452 students.

TO: "9. That the charter school use be limited to grades Kindergarten through 8th and be limited to a maximum of 900 students.

FROM: "10. That there will be staggered shifts at arrival and dismissal times for students at the charter school, separated by a minimum of 20 minutes. The arrival and dismissal times shall be as follows:

TO: "10. That there will be staggered shifts at arrival and dismissal times for students at the charter school, separated by a minimum of 20 minutes. The arrival and dismissal times shall be as follows:

Kindergarten thru 2nd Grade -Start 8:30 a.m./dismissal 2:00 p.m.
3rd thru 5th Grades - Start 8:00 a.m./dismissal 3:00 p.m.
6th thru 8th grades - start 7:30 a.m. /dismissal 2:30 p.m.

(3) MODIFICATION of Paragraphs #1, #2 and #3 of a Declaration of Restrictions recorded in Official Record Book 27157, Pages 2705-2722, reading as follows:

FROM: "1. The use of the Property shall be established and maintained substantially in accordance with the plan submitted with the application entitled "Plans for Proposed Tenant Improvements of: The Advance Learning Academy," prepared by Consulting & Specialty Engineering Services, Inc., consisting of 11 pages, dated stamped received June 16, 2009, a copy of which is attached hereto as Exhibit "B", as said plan may be further modified at the public hearing on the application."

TO: "1. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Advance Learning Academy DBA Hive Prep," as prepared by Sol-Arch., with sheets A-100 & A-200, dated stamped received 4/17/15, and the remaining 10 sheets dated stamped received 3/4/15, for a total of 12 sheets."

FROM: "2. The Charter School shall be limited to Kindergarten through fifth grades with four hundred fifty two (452) students, which shall be incorporated in two (2) phases as follows:

350 students in grades kindergarten thru fifth permitted in the 2009-2010 school year.

452 students in grades Kindergarten thru fifth permitted in the 2010-2011 school year.

TO: "2. The Charter School use shall be limited to Kindergarten through eight grade with nine hundred (900) students.

452 Existing Students
448 new Students in 2016.

FROM: "3. The Charter School shall have three staggered shifts at arrival and dismissal times, separated by a minimum of 20 minutes, as follows:

Kindergarten thru 1st Grade -Start 8:00 a.m./dismissal 2:30 p.m.
2nd thru 3rd Grades - Start 8:20 a.m./dismissal 2:50 p.m.
4th thru 5th Grades - Start 8:40 a.m./dismissal 3:10 p.m.

However, the owner, at its discretion, may modify the foregoing schedule so long as the Charter School has minimum of 3 start/dismissal times staggered at least 20 minutes apart. Further, the owner shall provide written notice of any modifications to the start/dismissal times to the directors of the Department of Planning and Zoning and the Public Works Department, respectively, and said modifications shall be subject to the approval of the directors.

TO: "3. The Charter School shall have three staggered shifts at start and dismissal times, separated by a minimum of 20 minutes, as follows:

Kindergarten thru 2nd Grade -Start 8:30 a.m./dismissal 2:00 p.m.
3rd thru 5th Grades - Start 8:00 a.m./dismissal 3:00 p.m.
6th thru 8th grades start 7:30 a.m. /dismissal 2:30 p.m.

However, the owner, at its discretion, may modify the foregoing schedule so long as the Charter School has minimum of 3 start/dismissal times staggered at least 20 minutes apart. Further, the owner shall provide written notice of any modifications to the start/dismissal times to the directors of the Department of Regulatory and Economic Resources and the Public Works and Waste Management Department, respectively, and said modifications shall be subject to the approval of the directors.

The purpose of Requests #2 & #3 is to allow the applicant to submit plans showing the addition of a new school building and increase the number of students and grade levels for the previously approved charter school.

(4) NON-USE VARIANCE to permit a two-way driveway with a width of 15'-5" (20' required).

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

SUBJECT PROPERTY: Tract "A", PALMETTO BUSINESS CENTER SILVA SUBDIVISION, PB 158-99.

LOCATION: 5855 NW 171 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

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 the expansion of the existing charter school from grades K-5 to grade K-8 (Item #1) would not be compatible with the area and its development and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and that the requested SPECIAL EXCEPTION (Item #1) would have an adverse impact upon the public interest and should be denied without prejudice, and

WHEREAS, the requested MODIFICATION of Conditions #2, #9 and #10 of Resolution # Z-24-09 passed and adopted by the Board of County Commissioners (Item #2), the MODIFICATION of Paragraphs #1, #2 and #3 of a Declaration of Restrictions recorded in Official Record Book 27157, Pages 2705-2722 (Item #3), and the NON-USE VARIANCE to permit a two-way driveway with a width of 15'-5" (Item #4) 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 and

WHEREAS, a motion to deny the application (Items #1 through #4), was offered by Commissioner Barbara J. Jordan, seconded by Commissioner Audrey M. Edmonson, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	aye	Barbara J. Jordan	aye
Esteban Bovo, Jr.	nay	Dennis C. Moss	aye
Daniella Levine Cava	aye	Rebecca Sosa	aye
Jose "Pepe" Diaz	aye	Sen. Javier D. Souto	aye
Audrey M. Edmonson	aye	Xavier L. Suarez	aye
Sally A. Heyman	absent	Juan C. Zapata	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 the expansion of the existing charter school from grades K-5 to grade K-8 (Item #1), the MODIFICATION of Conditions #2, #9 and #10 of Resolution # Z-24-09 passed and adopted by the Board of County Commissioners (Item #2), the MODIFICATION of Paragraphs #1, #2 and #3 of a Declaration of Restrictions recorded in Official Record Book 27157, Pages 2705-2722 (Item #3), and the NON-USE VARIANCE to permit a two-way driveway with a width of 15'-5" (Item #4) be and the same are hereby denied without prejudice.

The Director is hereby authorized to make the necessary notations upon the records of the Miami-Dade County Department of Regulatory and Economic Resources in accordance with this resolution.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 10th day of September, 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. 15-9-CC-1
rd

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

By CHRISTOPHER AGRIPPA
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 13TH DAY OF OCTOBER, 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-9-15 adopted by said Board of County Commissioners at its meeting held on the 10th day of September, 2015.

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

October 13, 2015

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

Re: Hearing No. 15-9-CC-1 (15-017)
Location: 5855 NW 171 ST, Miami-Dade County, Florida.

Dear Applicant:

DENIAL

Enclosed herewith is Resolution No. Z-9-15, adopted by the Board of County Commissioners, which denied your application without prejudice.

Be advised that the decision of the Board may be appealed to Circuit Court within 30 days of the date of the transmittal of the resolution to the Clerk of the County Commission. The date of transmittal is **October 13, 2015.**

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