CITY OF MIAMI GARDENS
ZONING AGENDA

Meeting Date: June 2, 2010
1515 NW 167th St., Bldg. 5, Suite 200,
Miami Gardens, Florida 33169
Phone: (305) 622-8000 Fax: (305) 622-8001
Website: www.miamigardens-fl.gov
Time: 7:00 p.m.

Mayor Shirley Gibson
Vice Mayor Aaron Campbell Jr.
Councilwoman Barbara Watson
Councilman André Williams
Councilman Melvin L. Bratton
Councilwoman Sharon Pritchett
Councilman Oliver G. Gilbert III
City Manager Dr. Danny O. Crew
City Attorney Sonja K. Dickens
City Clerk Ronetta Taylor, MMC

City of Miami Gardens Ordinance No. 2007-09-115, requires all lobbyists before engaging in any lobbying activities to register with the City Clerk and pay an annual fee of $250.00. This applies to all persons who are retained (whether paid or not) to represent a business entity or organization to influence "City" action. "City" action is broadly described to include the ranking and selection of professional consultants, and virtually all-legislative, quasi-judicial and administrative action. All not-for-profit organizations, local chamber and merchant groups, homeowner associations, or trade associations and unions must also register however an annual fee is not required.

1. CALL TO ORDER/ROLL CALL OF MEMBERS:

2. INVOCATION:

3. PLEDGE OF ALLEGIANCE:

4

4. APPROVAL OF MINUTES:

4-A) May 5, 2010 – Regular Zoning Minutes

5. AGENDA ORDER OF BUSINESS (ADDITIONS/DELETIONS/AMENDMENTS) BUSINESS (Items shall be pulled from the Consent Agenda at this time):

6. PRESENTATION(S)

7. CONSENT AGENDA

None

8. FIRST READING (ORDINANCE)/PUBLIC HEARING(S)

None

9. ORDINANCE(S) SECOND READING/PUBLIC HEARING(S)

None

10. RESOLUTION(S)/PUBLIC HEARING(S):

10-A) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING AN APPLICATION SUBMITTED BY ACCELERATED LEARNING SOLUTIONS, INC., FOR THE PROPERTY LOCATED AT 4500 N.W. 183RD STREET, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, FOR A WAIVER OF SECTION 9-20(7)(A) OF THE CITY OF MIAMI GARDENS LAND DEVELOPMENT REGULATIONS REQUIRING RECREATION/PLAY AREAS FOR A SENIOR HIGH SCHOOL; PROVIDING FOR A DECLARATION OF RESTRICTIVE COVENANTS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

11. CITY MANAGER'S REPORT

12. ADJOURNMENT

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS WHO ARE DISABLED AND WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT RONETTA TAYLOR, CITY CLERK (305) 622-8003, NOT LATER THAN 48 HOURS PRIOR TO SUCH PROCEEDING. TDD NUMBER 1-800-955-8771.

ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM MAY CONTACT RONETTA TAYLOR, MMC, CITY CLERK (305) 622-8003.

ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE CITY OF MIAMI GARDENS WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

Please turn-off all beepers and cellular telephones to avoid interrupting the council meeting.

1515 N.W. 167TH STREET, BUILDING 5 SUITE 200
MIAMI GARDENS, FLORIDA 33169

City of Miami Gardens
Agenda Cover Memo

Council Meeting Date:	June 2, 2010		Item Type:	Resolution	Ordinance	Other
				X		
Fiscal Impact:	Yes	No	Ordinance Reading:	1st Reading		2nd Reading
		X	Public Hearing:	Yes	No	Yes / No
				X		
Funding Source:			Advertising Requirement:	Yes		No
				X		
Contract/P.O. Required:	Yes	No	RFP/RFQ/Bid #:			
Sponsor Name	City Manager		Department:	Planning and Zoning		

Short Title:

RESOLUTION No. 2010-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING AN APPLICATION SUBMITTED BY ACCELERATED LEARNING SOLUTIONS, INC., FOR THE PROPERTY LOCATED AT 4500 N.W. 183RD STREET, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, FOR A WAIVER OF SECTION 9-20(7)(A) OF THE CITY OF MIAMI GARDENS LAND DEVELOPMENT REGULATIONS REQUIRING RECREATION/PLAY AREAS FOR A SENIOR HIGH SCHOOL; PROVIDING FOR A DECLARATION OF RESTRICTIVE COVENANTS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

Staff Summary:

The applicant, Ruden McClosky representing Accelerated Learning Solutions (ALS), are proposing a charter high school in the property known as the Miami Gardens Shopping Plaza located at southeast corner of N.W. 47th Avenue and N.W. 183 Street. The request is to waive the requirement of the recreation/play area on the basis that the propose operation of the school

as a technology based, four (4) hour school day does not warrant the need for recreation/play area. The request for the waiver has been concluded to be consistent with the City's Comprehensive Development Master Plan and maintains the basic intent and purpose of the City's Land Development Regulations.

Proposed Action:

Staff recommends approval of the Resolution subject to the following conditions:

1. That the operation of the charter school be limited to a maximum of 150 students at any one time, with class time for any one group of students not to exceed 4.0 hours.
2. That the minimum age of the students shall be 16 years of age.
3. That any drop off or pick up of students shall occur in area specifically designed for drop-off and pick-up, and such area shall not impede, interfere, or create a hazard for the general traffic circulation of the shopping center.
4. That the applicant proffer a Declaration of Restrictive Covenants containing, but not limited to, the conditions contained herein.

Attachment:

RESOLUTION
EXHIBIT "A" LEGAL DESCRIPTION
EXHIBIT "C" DECLARATION OF RESTRICTIVE COVENANTS
EXHIBIT "B" STAFF RECOMMENDATION

RESOLUTION

RESOLUTION No. 2010-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING AN APPLICATION SUBMITTED BY ACCELERATED LEARNING SOLUTIONS, INC., FOR THE PROPERTY LOCATED AT 4500 N.W. 183RD STREET, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, FOR A WAIVER OF SECTION 9-20(7)(A) OF THE CITY OF MIAMI GARDENS LAND DEVELOPMENT REGULATIONS REQUIRING RECREATION/PLAY AREAS FOR A SENIOR HIGH SCHOOL; PROVIDING FOR A DECLARATION OF RESTRICTIVE COVENANTS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Accelerated Learning Solutions, Inc. ("ALS") is proposing to operate a charter high school in the property known as the "Miami Gardens Shopping Plaza" located at the southeast corner of N.W. 47th Avenue and N.W. 183rd Street, and

WHEREAS, the Applicant is requesting a waiver of the requirements for a recreation/play area on the basis that the high school is a technology-based school with a four (4) hour school work day, which does not warrant the need for a recreation/play area, and

WHEREAS, the City's Planning and Zoning staff recommends approval of the Application subject to certain conditions, and

WHEREAS, the City Council considered the testimony of the Applicant, if any, and

WHEREAS, the City Council also considered the testimony of the City's Planning and Zoning staff, and the staff report is attached hereto as Exhibit "B" and is incorporated herein by reference,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2. APPROVAL: The City Council of the City of Miami Gardens hereby approves the Application submitted by the Applicant, Accelerated Learning Solutions, Inc. for a waiver of Section 9-20(7)(A) of the City of Miami Gardens Land Development Regulations requiring a recreation/play area for a senior high school.

Section 3. DECLARATION OF RESTRICTIVE COVENANTS: The City Council of the City of Miami Gardens hereby approves the Declaration of Restrictive Covenants attached hereto as Exhibit "C."

Section 3. EFFECTIVE DATE: This Resolution shall take effect immediately upon its final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS ZONING MEETING HELD ON JUNE 2, 2010.

_____
SHIRLEY GIBSON, MAYOR

ATTEST:

_____
RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA K. DICKENS, CITY ATTORNEY

SPONSORED BY: DANNY CREW, CITY MANAGER

MOVED BY:_____

VOTE: _____

Mayor Shirley Gibson	___(Yes)	___(No)
Vice Mayor Aaron Campbell, Jr.	___(Yes)	___(No)
Councilman Melvin L. Bratton	___(Yes)	___(No)
Councilman Oliver Gilbert, III	___(Yes)	___(No)
Councilwoman Barbara Watson	___(Yes)	___(No)
Councilwoman Sharon Pritchett	___(Yes)	___(No)
Councilman André Williams	___(Yes)	___(No)

EXHIBIT "A"
LEGAL DESCRIPTION

EXHIBIT "A"
LEGAL DESCRIPTION

THE WEST 263.94 FEET OF THAT PORTION OF TRACT A, ROYAL DAIRY FARMS ADDITION, LYING NORTH OF THE PROJECTION EASTERLY OF THE SOUTH LINE OF AND HEREINBELOW REFERRED TO AS TRACT 15, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 40, AT PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AND TRACTS 15 AND 16, MIAMI GARDENS SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, AT PAGE 96, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

EXHIBIT "C"
DECLARATION OF
RESTRICTIVE COVENANTS

Return to: (enclose self-addressed stamped envelope)

Name: Ronetta Taylor, City Clerk
1515 N.W. 167th Street
Building 5, Suite 200
Miami Gardens, Florida 33169

This Instrument Prepared by:

Sonja K. Dickens, Esquire
1515 N.W. 167th Street
Building 5, Suite 200
Miami Gardens, Florida 33169

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR PROCESSING DATA

DECLARATION OF RESTRICTIONS

WHEREAS, Accelerated Learning Solutions, Inc. ("Applicant"), owns certain property located at 4500 N.W. 183rd Street ("Property"), more particularly described on Exhibit "A," attached hereto, and

WHEREAS, the Applicant filed an Application with the City of Miami Gardens to operate a charter high school in the facility. The Applicant is seeking a waiver of Section 9-20(7)(A) of the City of Miami Gardens Land Development Regulations.

IN ORDER TO ASSURE the City of Miami Gardens that the representations made by the Applicant will be abided by, the Applicant, subject only to conditions contained herein, freely, voluntarily and without duress, makes the following Declaration of Restrictions covering and running with the Property:

1. **Site Plan**. The development complies with an application submitted by Accelerated Learning Solutions, Inc. for the use of the property known as "Miami Gardens Shopping Plaza" located at 4500 N.W. 183rd Street for a charter high school.

2. **Student Size**. That the operation of the charter school be limited to a maximum of 150 students at any one time, with class time for a one group of students not to exceed 4.0 hours.

3. **Student Age**. That the minimum age of the students shall be 16 years of age.

4. **Drop-off and Pick-up**. That any drop-off or pick-up of students shall occur in an area specifically designed for drop-off and pick-up, and such area shall not impede, interfere, or create a hazard for the general traffic circulation of the shopping center.

5. **City Inspection**. As further part of this Declaration, it is hereby understood and agreed that any official inspector of the City, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

6. **Covenant Running With The Land**. This Declaration on the part of the Applicant shall constitute a covenant running with the land and shall remain in full force and effect and be binding upon the Applicant, and his heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the public welfare.

7. **Term**. This Declaration is to run with the land and shall be binding on all parties and all persons claiming from the date this Declaration is recorded. This Declaration shall be in effect for a period of thirty (30) years from the date of recordation in the public records of Miami-Dade County, Florida, after which time it shall be automatically extended for periods of ten (10) years. This Declaration may be modified, amended or released as to the Property or any portion thereof by a written instrument executed by the then Applicant(s) of the Property, and applicable mortgagees, if any, provided that same is approved by the City Council after public hearing. In such event, the Mayor or City Manager shall execute a written instrument suitable for recordation acknowledging such modification, amendment or release.

8. **Modification, Amendment, Release**. This Declaration of Restrictions 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 all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the City, or other procedure permitted under the City's Code, whichever by law has jurisdiction over such matters, after public hearing.

9. **Enforcement**. Enforcement shall be by action against any parties or person 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, such sum as the

Court may judge to be reasonable for attorney fees. This enforcement provision shall be in addition to any other remedies available at law or in equity. Jurisdiction shall be proper in Miami-Dade County.

10. **Authorization for Miami Gardens to Withhold Permits and Inspections**. In the event the terms of this Declaration are not complied with, in addition to any other remedies available, the City is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this Declaration is complied with.

11. **Executed Copy to be provided to the City. Executed Copy to be provided to the City Clerk**. The Applicant shall be fully responsible for providing to the City Clerk an original and fully executed copy of the Declaration of Restrictions within thirty (30) days of the approval of this request by the City Council, unless an appeal is filed or otherwise the Director, for good cause shown, grants a time extension. If this is not accomplished, the approval shall become null and void. If circumstances prevent the Applicant from complying with this timeframe condition, the Applicant may request, in writing, an extension of said thirty-day timeframe in writing to the Development Services Director, who is authorized to take such action upon the request to approve, disapprove or approve with conditions such request.

12. **Election of Remedies**. All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any 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.

13. **Recording**. The City, at Applicant's expense following the approval of the same by the City of Miami Gardens, shall file this Declaration of record in the Public Records of Miami-Dade County, Florida.

14. **Acceptance of Declaration**. Applicant acknowledges that acceptance of this Declaration does not obligate the City in any manner, nor does it entitle Applicant to a favorable recommendation or approval of any application, zoning or otherwise, and the City Council retains its full power and authority to deny each such application in whole or in part, and to decline to accept any conveyance.

15. **Applicant**. The term Applicant shall include the Applicant, and its heirs, successors and assigns.

16. **Waiver**. Each and every covenant and agreement contained herein shall be for any and all purposes hereof construed as separate and independent and the breach of any covenant by any party shall not release or discharge such party from its obligations hereunder. No delay or omission by any party to exercise its rights accruing upon any noncompliance or failure of performance by any party

shall impair any such right or be construed to be a waiver thereof. A waiver by any party hereto of any of the covenants, conditions or agreements to be performed by any other party shall not be construed to be a waiver of any succeeding breach or of any other covenants, conditions or agreements contained herein.

17. **Severability**. All rights, powers and remedies provided herein may be exercised only to the extent that the exercise thereof does not violate any then applicable law and shall be limited to the extent necessary to render the real covenants herein valid and enforceable. If any term, provision, covenant or agreement contained herein or the application thereof to any person, entity or circumstance shall be held to be invalid, illegal or unenforceable, the validity of the remaining terms, provisions, covenants or agreements or the application of such term, provision, covenant or agreement to persons, entities or circumstances other than those to which it is held invalid or unenforceable shall not be affected thereby.

18. **Entire Agreement**. This Agreement and the exhibits attached hereto contain the entire agreement between the parties hereto with respect to the subject matter hereof. This Agreement and exhibits supersede any prior correspondence, memoranda or agreements in total hereto.

19. **Counterparts**. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, and all of which, when taken together, shall constitute one and the same document.

(SIGNATURE PAGE TO FOLLOW)

IN WITNESS WHEREOF, Applicant has executed this Declaration.

_____
Print Name:_____

_____
Print Name:_____

_____
Print Name:_____

_____
Print Name: _____

Accelerated Learning Solutions, Inc.

BY ITS:
PRESIDENT

_____
Signature

_____
Print Name

_____
Date

ACCEPTANCE

The City of Miami Gardens, hereby accepts this Declaration of Restrictions hereby made by _____.

CITY OF MIAMI GARDENS, FLORIDA

Attest:

_____
City Clerk

By:_____
Mayor Shirley S. Gibson

Date:_____

EXHIBIT "B"
STAFF RECOMMENDATION

STAFF RECOMMENDATION
PH-2010-000049 Ruden McClosky

APPLICATION INFORMATION

Applicant: Ruden McClosky
Property Location: 4500 N.W. 183 Street
Property Size: 11.52 acres
Future Land Use: Commercial
Existing Zoning: NC, Neighborhood Commercial
Requested Action(s):

1. A waiver of the required recreation/play area for a high school as set forth in section 9-20 (7)(A) of the City of Miami Gardens Land Development Regulations

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RECOMMENDATION:

Recommend approval of the Resolution subject to the following conditions:

1. That the operation of the charter school be limited to a maximum of 150 students at any one time, with class time for any one group of students not to exceed 4.0 hours.
2. That the minimum age of the students shall be 16 years of age.
3. That any drop off or pick up of students shall occur in area specifically designed for drop-off and pick-up, and such area shall not impede, interfere, or create a hazard for the general traffic circulation of the shopping center.
4. That the applicant proffer a Declaration of Restrictive Covenants containing, but not limited to, the conditions contained herein.

REVIEW AND ANALYSIS

Neighborhood Land Use Characteristics

Property	Future Land Use Designation	Zoning Classification	Existing Use
Site	Neighborhood	NC, Neighborhood Commercial District	Shopping Center
North	Neighborhood	NC, Neighborhood Commercial District	Multi-family apartments
South	Neighborhood	R-1, Single-Family Residential District	Single-Family Dwelling
East	Neighborhood	R-1, Single-Family Residential District	Church
West	Miami-Dade County Commercial	Miami-Dade County BU-1	Commercial

The subject property is an 11.52 acre shopping center located at the southeast corner of N.W. 47 Avenue and N.W. 183 Street. To the north is an existing apartment complex, to the east are two

churches, to the south is developed with single family residences, and to the west is developed with commercial uses that are in unincorporated Miami-Dade County.

Project Summary/Background

- The applicant is leasing a 10,000 square feet space in the shopping center for a proposed charter high school for students aged 16 to 21 years.
- The charter school will be operated by Accelerated Learning Solutions (ALS) which currently operates several similar charter schools throughout Florida.
- The proposed operation of school is for two class sessions, the first from 7:30am to 11:30am, and the second from 11:30am to 3:30pm with up to 150 students for each session. There may be a third session from 4:00pm to 8:00pm for a maximum enrollment of 450 students.
- ALS states that the charter school is intended to educate students who are having difficulties with their education options and offers a technology-based education that allows students to attend four (4) hour classes while managing other responsibilities they may have.
- The request to waive the requirement of recreation and open space is based on the shortened school session of four (4) hours a day, the older age of the students, and the technology-based education, which in combination, does not warrant or demand the need for recreation/play area as a typical high school.
- Based on the proposed enrollment the school would require approximately 1.5 acres of recreation/play area for a high school which usually would consists of ball courts, and sports fields to accommodate the physical education curriculum.

Zoning History

There are no relevant zoning actions taken previously that impact the request.

Consistency with City of Miami Gardens Comprehensive Development Master Plan

The subject property is designated Neighborhood on the Future Land Use Map of the Future Land Use Element of the City of Miami Gardens Comprehensive Development Master Plan (CDMP).

Policy 2.2.1: *Public and Semi-Public Uses, In General* states:

- *"Public and semi-public uses include facilities such as elementary, middle, and high schools, parks, houses of worship, hospitals, and utilities."*

Conclusion: The requested waiver of the recreation/play area to allow the establishment of the high school does not impact policies of the CDMP and is consistent with same.

Zoning Review and Analysis

In accordance to the Article II of the City's Land Development Regulations states:

Section 2-80. Granting of variances and waiver states:

"(H) Criteria for granting variances. Upon appeal or direct application in specific cases to hear and grant applications for non-use variances and waivers of this chapter, when authorized, the

Zoning Appeals Board may grant approval, approval with conditions of the application upon showing by the applicant that the non-use variance or waiver maintains the basic intent and purpose of the zoning, subdivision and other regulations set forth in this chapter, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of hardship to the land is required."

In reviewing the request to waive the requirement of the recreation/play area for the proposed high school consideration was given to the proposed operation and intent of the school. The proposed school operation with short four (4) hour class sessions with a maximum number of students is intended to provide students a technology-based education and does not offer a physical education curriculum. The purpose and intent of the required recreation/play area is to provide the necessary ball courts and field areas where a physical education curriculum is offered, which typically is provided in full time schools where the school day can extend 6 to 8 hours. With conditions imposed to maintain the stated purpose and intent of the school in order to protect the general welfare of the public, the waiver of the recreation/play area will otherwise be compatible with the surrounding land uses and would not be detrimental to the community.

Conclusion -The approval of the request with conditions maintains the basic intent and purpose of the zoning regulations.

Anticipated Facilities Impact

The subject application pertains to an existing shopping center and will not create additional impact upon the existing public services and facilities.

Public Notification/Comments

In accordance with the Land Development Regulations, two (2) notifications of the applicant's requests were mailed to property owners within a 500 foot radius of the subject site to provide them an opportunity to comment on the application. No comments were received from property owners within that radius. (See Mailed Notice Radius Map, attached).

Attachments:

- Public Hearing Checklist
- Letter of Intent
- Hearing Map-Zoning
- Hearing Map-Aerial
- Mailed Notice Affidavit
- Mailed Notice Radius Map
- Submitted Plans and Survey
- Transmittal Notice

PUBLIC HEARING CHECKLIST

The City Of Miami Gardens

Development Services

Public Hearing Departmental Checklist

APPLICATION INFORMATION	
Applicant Name: Ruden McClosky	
Project Name: Miami Gardens Shopping Plaza	
Project Location: 4500 NW 183 Street	
Process Number: PH-2010-000049	Public Hearing Scheduled Date: June 2, 2010
Public Hearing Representative:	

APPLICANT'S REQUEST

☐ District Boundary Change ☐ Use Variance ☑ Non-Use Variance ☐ Unusual Use ☐ Special Exception

☐ Small-Scale Amendment ☐ Modification of Resolution ☐ Modification of Declaration or Covenant

DEPARTMENT REVIEW

Departmental procedures prior to public hearing

Mandatory	☐ Site Plan Review	If applicable
☑ Completed Application	1. Electronic Plans (.pdf & .dwg)	☐ School Checklist
☑ Letter of Intent	2. Site Plan	☐ School Board Report
☑ Legal Description (electronic)	3. Floor Plan	☐ Traffic Study
☑ Fees Collected	4. Elevation Plan	☐ Economic Impact Analysis
☑ 2 Sets of Original Plans	5. Landscape Plan	☐ Environmental Impact Statement
☑ 1 set of 8½ x 11 of Plans	6. Survey	☐ Neighborhood Outreach
☑ Digital copies of plans	7. Architectural Renderings	☐ Proffered Community Amenities
☑ Survey		☐ Liquor Survey

ADMINISTRATIVE ACTIONS

☑ DIC Meeting (if applicable)	☑ Preliminary Notice	☑ Posting Signs (Public Works)
☑ Radius Map	☑ Final Notice	☑ Staff Recommendation
☑ Zoning Map	☑ Layman's Notice	☑ Notify Applicant
☑ Aerial Map	☑ Full Legal Advertisement	☐ Proposed Resolution or Ordinance
☑ Site Visit Date: May 4, 2010		
By: Cyril Saiphoo		
Title: Zoning		

RECOMMENDATION OUTLINE

1. **Summary**
2. **City Council Action** – (2nd reading)
3. **Recommendation**
4. **Review and Analysis**
   - Neighborhood Land Use Characteristics
   - Zoning History
     - ☑ City
     - ☑ County
   - Land Use Analysis (consistency with CDMP)
   - Zoning Analysis (compliance with zoning code)
   - Concurrency Analysis (water & sewer, traffic, schools and/or drainage/irrigation)
   - Code Enforcement Violation Notice
     - ☐ Yes (attached)
     - ☑ No

5. **Attachments**

☑ Letter of Intent
☑ Zoning Map
☑ Aerial Map
☑ Radius Map
☐ Plans
☐ School Board Report (if any)
☐ Traffic Study (if any)
☐ Economic Analysis (if any)
☐ Environmental Impact Statement (if any)
☐ Historical Information - (if any)
- Declaration of Restriction
- Unity of Title
- Resolution

☐ Proposed Resolution or Ordinance
☐ Proffered Declaration of Restrictions

ZONING AGENDA DECISION

Date:
Action: ☐ Introduction ☐ Deferred ☐ Rescheduled ☐ Resolution ☐ 1st Reading ☐ 2nd Reading
Result: ☐ Approved ☐ Approved with Conditions ☐ Denied

Date:
Action: ☐ Introduction ☐ Deferred ☐ Rescheduled ☐ Resolution ☐ 1st Reading ☐ 2nd Reading
Result: ☐ Approved ☐ Approved with Conditions ☐ Denied

Date:
Action: ☐ Introduction ☐ Deferred ☐ Rescheduled ☐ Resolution ☐ 1st Reading ☐ 2nd Reading
Result: ☐ Approved ☐ Approved with Conditions ☐ Denied

Date:
Action: ☐ Introduction ☐ Deferred ☐ Rescheduled ☐ Resolution ☐ 1st Reading ☐ 2nd Reading
Result: ☐ Approved ☐ Approved with Conditions ☐ Denied

LETTER OF INTENT

ALS
Accelerated Learning Solutions

3206 South University Drive
Miramar, FL 33025

p: 954.433.1573
f: 954.433.1589
www.als-education.com

LETTER OF INTENT

April 20, 2010

Accelerated Learning Solutions ("ALS"), intends to operate the Miami Gardens Charter School ("Charter School") on property located at 4692 NW 183rd Street ("Property") in the City of Miami Gardens ("City"). In order to operate a successful school, ALS is requesting a waiver Section 9-20 (Q)(7)(A) *Physical Standards. Recreation/play areas* of the Miami Gardens Land Development Code ("Code"). Specifically, ALS is requesting a waiver so that they do not have to provide any recreation/play area for the proposed Charter School. As demonstrated below, ALS believes that the granting of the waiver maintains the basic intent and purpose of the zoning regulations. Further, if granted the waiver will be consistent with the comprehensive plan of the City. Therefore, the Applicant respectfully requests that the waiver requested be granted.

The Charter School is designed to be a school where students have a second chance at earning a high school diploma. The school will have flexible class schedules to allow students to meet employment and family obligations while at the same time earning their high school diplomas. The Charter School is aimed at providing high school diplomas to Miami Gardens residents primarily and also Miami-Dade County residents. The Charter School is intended to educate students between the ages of 16 and 21 who are having difficulties with their current education options. A typical Charter School student has a strong desire to earn a high school diploma but has difficulty learning in a traditional high school setting.

There will be approximately 18 employees of the school, including teachers, administrators and various support personnel. The Charter School will also provide a career coach who will assist students and graduates with gaining, improving or maintaining employment. ALS also generally partners with local social service agencies and community organizations in order to provide support to students and their families in order to insure that students have the best chance to succeed. The goal of ALS is to address the growing crisis of high school dropout rates and low academic achievement currently facing our nation's schools. The ALS education experience is technology based which allows students to attend the school while also being able to manage other responsibilities that they have.

ALS currently owns and operates a number of similar charter schools throughout the state. It is anticipated that classes will be held Monday through Friday in two shifts; 7:30 a.m. to 11:30 noon, and 11:30 to 3:30 p.m. If demand is great and the need becomes evident, it is possible that the school will provide a third shift from 4:00 p.m. to 8:00 p.m. The Charter School is intended to accommodate approximately 300 students, with no more than 150 students per shift. Therefore, if an additional third shift is added, that would increase the total number of students to 450. Although no public

transportation is provided by the Charter School, ALS does provide public transportation passes so that such public transportation can be used by students if necessary in order for them to attend school. Similarly, students are not provided with lunches at the school, as the sessions are short; however, vending machines are available in the lounge area.

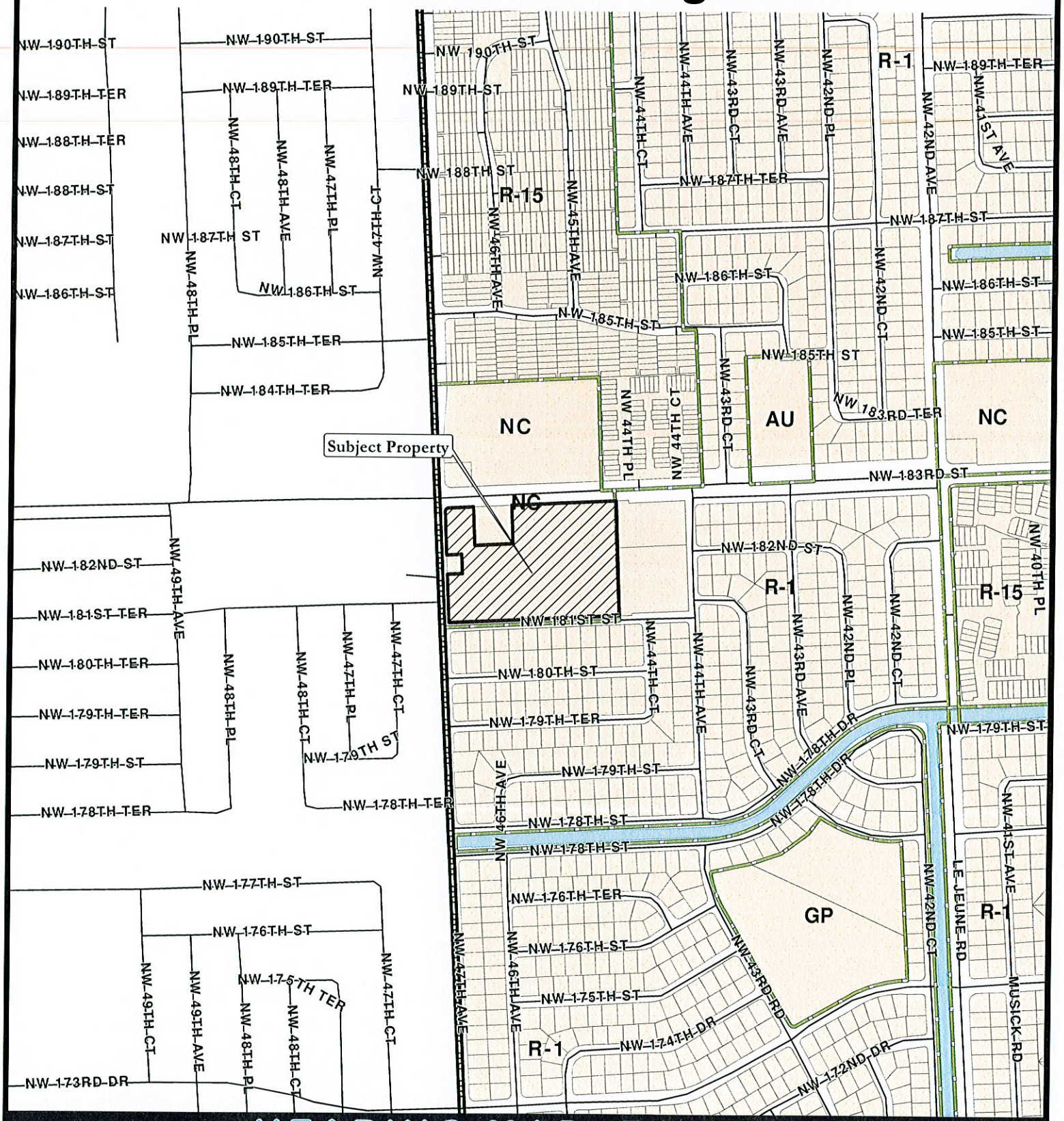
With regard to consistency with the zoning code, it should be noted that most schools are designed to have a recreational component in order to allow children of standard age and grade level to get physical exercise during the typical 8-10 hour school day. As noted above, the typical school day at this school is 4 hours. Therefore, there is no need to provide a physical education to students whose typical age range is between 16 and 21.

With regard to consistency with the City's comprehensive plan, specifically objective 1.3 of the City's comprehensive plan provides in relevant part that ". . . The City should work with charter school facilities to provide alternatives to residents . . .". As stated above, the proposed Charter School will clearly provide an education alternative for residents of the City of Miami Gardens. With a proven track record of success including existing facilities in Miramar and Lauderhill as well as other schools throughout the state, ALS is dedicated to empowering residents so that they may become productive members of society.

Sincerely,

David Stiles
Director of Charter Schools, ALS

HEARING MAP-ZONING



HEARING MAP: ZONING

City of Miami Gardens
Planning & Zoning Services

Subject Property Zoning: **NC**

Applicant:
Miami Gardens Shopping Plaza

Project Location: 4500 NW 183 ST
Miami Gardens, FL 33055

1 inch = 648 feet

May 2010

HEARING MAP- AERIAL

HEARING MAP: AERIAL

City of Miami Gardens
Planning & Zoning Services

Subject Property

Applicant:
Miami Gardens Shopping Plaza

Project Location:
4500 NW 183 ST
Miami Gardens, FL 33055

N
W E
S

1 inch = 200 feet

May 2010

MAILED NOTICE AFFIDAVIT

The City of Miami Gardens

Development Services Department

AFFIDAVIT FOR MAILING OF NOTICES

Re: Hearing No.: PH-2010-000049

Applicant Name: Miami Gardens Shopping Plaza

I, as the undersigned individual, do hereby affirm by my signature and date that all of the property owners of record, as reflected on the Miami-Dade County Property Appraiser's tax roll as updated within

- ☑ 500'
- ☐ ½ mile
- ☐ 1 mile

minimum radius of the property described in the above-referenced file has been input into the computer system prior to the deadline for the mailing of notices.

Name (Print): BHAIRAVI PANDYA

Signature: B.A. Pandya (GIS Analyst)

Date: 5/27/2010

I, as the undersigned individual, do hereby affirm that on the dated referenced below, the notices corresponding to the property owners as hereby referenced were emailed and/or otherwise delivered to **Post-It Inc. 1480 NE 129th Street North Miami, FL. 33161 info@postitinc.com** for postmarking and mailing.

Name (Print): Marilu N. Gunness

Signature: (Zoning Technician)

Date: 5/26/10

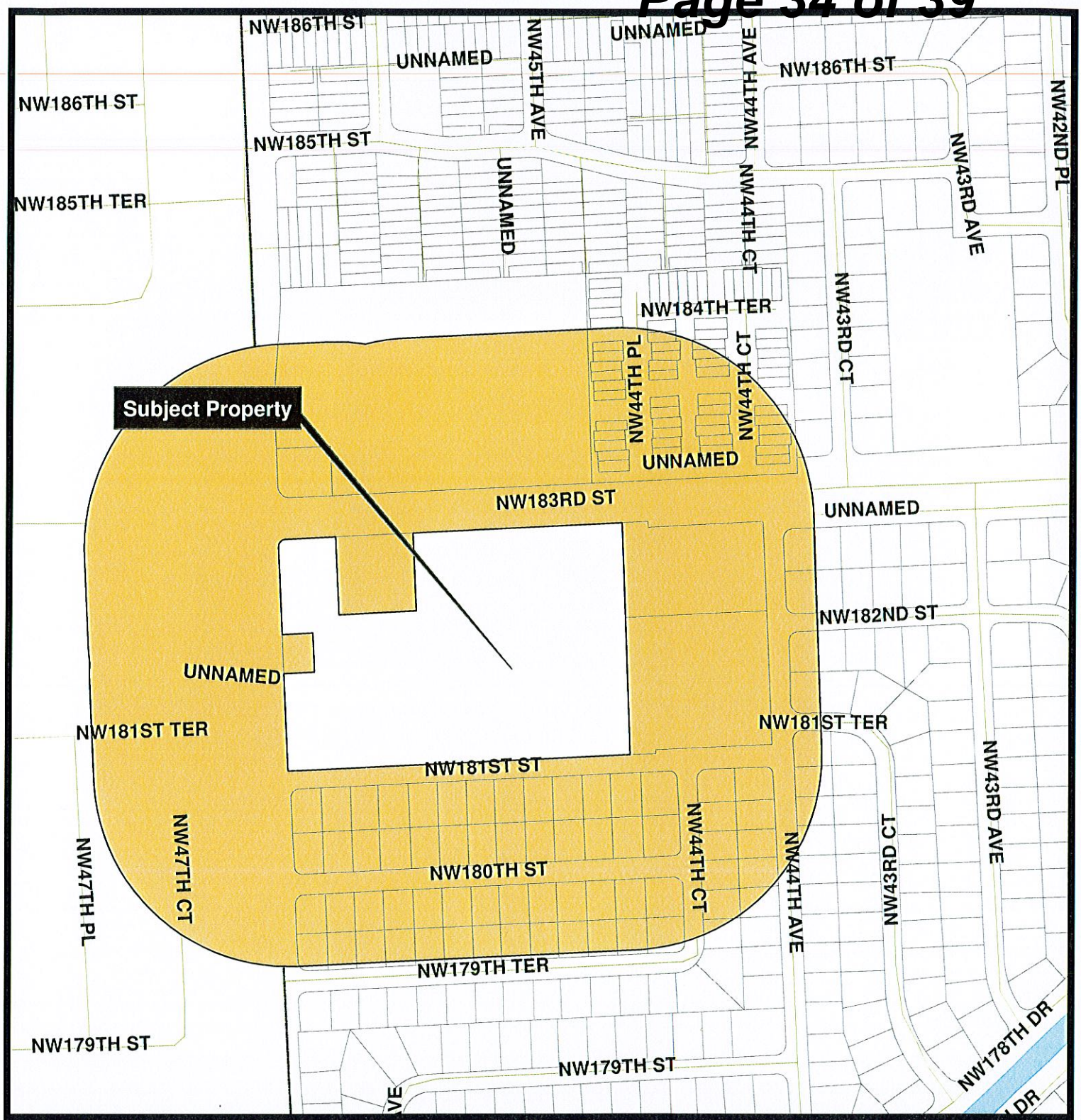
I, as the undersigned individual, do hereby affirm that on the date referenced below, a notice for the aforementioned file was received from and postmarked date: 5/13/10 through the US Postal Service.

Name (Print): CYRIL SANTANA

Signature: (Zoning Administrator)

Date: 5/26/10

MAILED NOTICE RADIUS MAP



MAILED NOTICE RADIUS MAP

City of Miami Gardens
Planning and Zoning Services

Subject Property | 500' Radius

Applicant:
Miami Gardens Shopping Plaza

Project Location:
4500 NW 183 Street
Miami Gardens 33055

N W E S

1 inch = 333 feet

May 2010

SUBMITTED PLANS AND SURVEY

OCCUPANCY:

CLASSROOMS 5,346 S.F. @ 1:20 = 267

OFFICES 1,902 S.F. @ 1:100 = 19

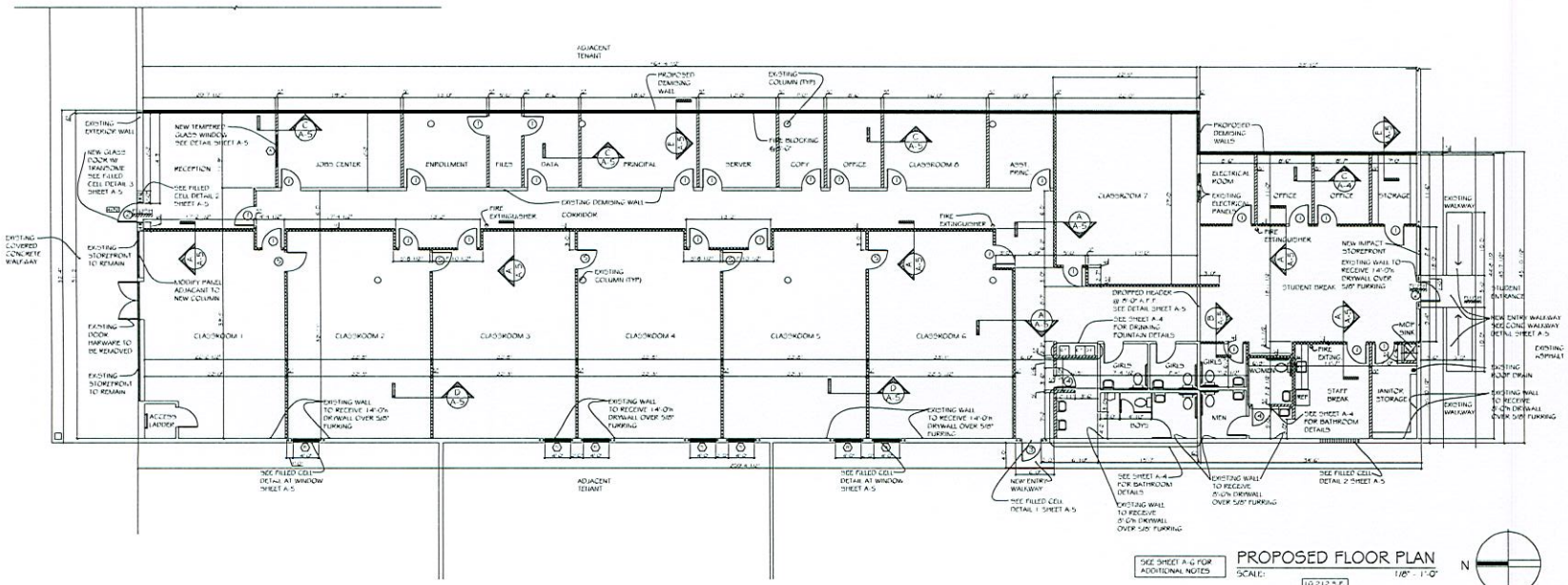
TOTAL = 286 PERSONS

286 PERSONS – 3 EXITS REQUIRED @ 96 PERSONS EACH
0.2" X 96 PERSONS = REQUIRED 19.2" EXIT WIDTH
36" DOOR MEETS REQUIREMENT

RESTROOMS:

	W/C 1:50	LAV 1:50	
143 PERSONS =	3 M/W	3 M/W	1 D.F. 1 MOP SINK

KEY PLAN



SEE SHEET A-6 FOR ADDITIONAL NOTES

PROPOSED FLOOR PLAN

SCALE: 1/8" = 1'-0"

10,212 S.F.

WINDOW SCHEDULE

LETTER	DESCRIPT	SIZE (ft x in) (ROUGH OPENING)	FRAME	FINISH
(A)*	FIXED	3'-0" X 2'-0"		
(B)**	FIXED	2'-0" X 4'-0"		

NOTE:
*NEW WINDOWS TO BE FIXED IMPACT GLASS BY NOA APPROVED BY MIAMI-DADE COUNTY
*TOP OF WINDOW AT 7'-0"
**TOP OF WINDOW AT 12'-6"

PROPOSED DOOR SCHEDULE

NO	DESCRIPTION	FRAME	NOTES	FINISH
1	3'-0" x 6'-8" S.C. WOOD	METAL FRAME DOWN FRAME	NARROW LITE GLASS 4" x 24 IN ALL DOORS EXCEPT BATHROOM AND SERVER	PAINT
2	3'-0" x 7'-0" STOREFRONT	METAL		
3	6'-0" x 7'-0" METAL	METAL		
4	3'-0" x 7'-0" S.C. WOOD	WOOD	SELF CLOSING, SELF LATCHING, LEVER TYPE PUSH BUTTON HARDWARE AT NO HIGHER THAN 48" A.F.F. TO MEET FHC ACCESSIBILITY CODE SECTIONS 11-4.13.8-10	PAINT
5	3'-0" x 6'-8" S.C. WOOD	WOOD		PAINT

WALL LEGEND

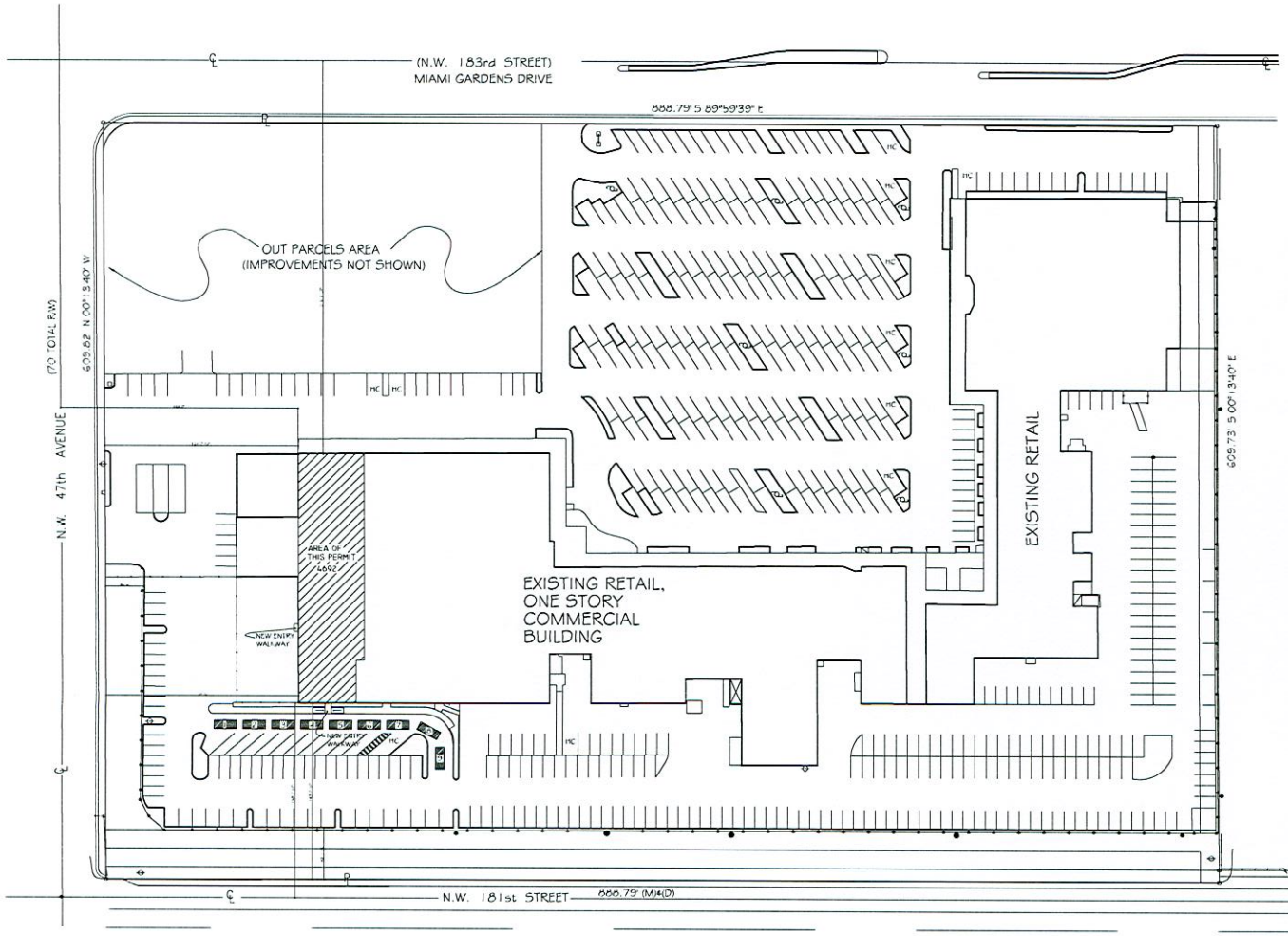
SEE SHEET A-5 FOR WALL SECTIONS

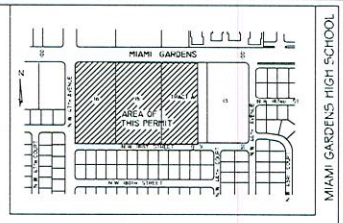
- EXISTING PARTITION
- PROPOSED 8"-0"± PARTITION W/ 25 GA. MTL STUDS @ 24" O.C. W/ 5/8" DRYWALL OVER
- PROPOSED 14"-0"± PARTITION W/ 20 GA. MTL STUDS @ 16" O.C. W/ 5/8" DRYWALL OVER
- PROPOSED DEMISING WALL W/ 20 GA. MTL STUDS @ 16" O.C. W/ 5/8" TYPE X DRYWALL OVER
- EXISTING BLOCK WALL

FINE MICHAEL ALAN FINE ARCHITECT P.A.
9301 SOUTHWEST 62 AVENUE MIAMI FLORIDA 33156
TEL NO. (786) 242-2420 FAX NO. (305) 456-0923 LIC NO. AR0011631 P.A. LIC NO. AA0003628

TITLE: MIAMI GARDENS HIGH SCHOOL
4175 NW 183 STREET, MIAMI, FL

SHEET: A-3





LOCATION PLAN

NTS

FOLIO # 34-2108-004-0040

LEGAL DESCRIPTION:

THE WEST 243.94 FEET OF THAT PORTION OF TRACT A, ROYAL DAIRY FARMS ADDITION, LYING NORTH OF THE PROJECTION EASTERLY OF THE SOUTH LINE OF AND HEREINBELOW REFERRED TO AS TRACT 15, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 40, AT PAGE 83, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AND TRACTS 15 AND 16, MIAMI GARDENS SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, AT PAGE 96, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

NOTE:

EXISTING BUILDING IS TYPE III PROTECTED, OCCUPANCY TYPE IS GROUP E (EDUCATIONAL)

PARKING CALCULATIONS:

REQUIRED:		
RETAIL	70,305 S.F. / 250 =	284 SPACES
OFFICE	16,350 S.F. / 300 =	67 SPACES
RESTAURANT		
TAKE-OUT	1,125 S.F. / 250 =	5 SPACES
DINE IN	3,600 S.F. / 50 =	72 SPACES
HIGH SCHOOL	10,212 S.F. / 200 =	51 SPACES
TOTAL REQUIRED		474 SPACES
TOTAL PROVIDED		546 SPACES

SITE PLAN

SCALE: 1" = 40'-0"

MIAMI GARDENS HIGH SCHOOL

FINE MICHAEL ALAN FINE ARCHITECT P.A.
9301 SOUTHWEST 82 AVENUE MIAMI FLORIDA 33156
TEL. NO. (786) 360 2120 FAX. NO. (305) 456 0503 LIC. NO. AR0011631 - P.A. LIC. NO. - #AAC001628

title: MIAMI GARDENS HIGH SCHOOL
4692 NW 183 STREET, MIAMI, FL

com. no.

revisions: 04/15/10 VP

sheet: SP-1

TRANSMITTAL NOTICE

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Hope Calhoun, Esq.
Ruden McClosky
200 East Broward Blvd, suite 1500
Fort Lauderdale, FL 33301

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by (Printed Name) | C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7007 1490 0004 9628 8362

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL™

7007 1490 0004 9628 8362

7007 1490 0004 9628 8362

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

Postmark Here

Sent To Hope Calhoun, Esq.
Street, Apt. No.; or PO Box No. 200 East Broward Blvd. Suite 1500
City, State, ZIP+4 Fort Lauderdale, FL. 33301

PS Form 3800, August 2006 See Reverse for Instructions

SUMMARY OF ZONING DISTRICTS

City of Miami Gardens, Florida

ZONING DISCTRICT	DESCRIPTION
R-1	**Single-Family Dwelling Residential District:** single-family uses; 75 ft lot frontage; 7,500 sq ft lot area; 40% lot coverage; density up to 6 du/ac; 2 stories or 35 feet in height
R-2	**Two-Family Dwelling Residential District:** single- and two-family uses; 75 feet lot frontage; 7,500 sq ft lot area; 40% lot coverage; density up to 15 du/ac; 2 stories or 35 feet in height
R-15	**(Low) Multiple-Family Dwelling Residential District:** single-, two- and multi-family uses, select public and institutional uses; 100 ft lot frontage; 10,000 sq ft lot area; 60% lot coverage; density up to 15 du/ac; 3 stories or 40 feet in height
R-25	**(Medium) Multiple-Family Dwelling Residential District:** single-, two- and multi-family uses, select public and institutional uses; 100 ft lot frontage; 10,000 sq ft lot area; 60% lot coverage; density up to 25 du/ac; 4 stories or 50 feet
R-50	**(High) Multiple-Family Dwelling Residential District:** single-, two- and multi-family uses, select public and institutional uses, related essential services and facilities; 100 ft lot frontage; 10,000 sq ft lot area; 60% lot coverage; density up to 50 du/ac; 10 stories or 120 feet in height
NC	**Neighborhood Commercial District:** retail uses, select public and institutional uses, select recreation and entertainment uses, places of public assembly; 50 ft lot frontage; 5,000 sq ft lot area; FAR .50; 2 stories or 35 feet
PCD	**Planned Corridor Development District:** developments on major transportation corridors with multi-family, retail, mixed residential and commercial, select public and institutional, select recreation and entertainment, and public assembly uses; 150 ft lot frontage; 45,000 sq ft lot area; FAR .50 for single use and up to 3.0 for mixed use, density 16-26 du/ac by right or 55-150 du/ac with incentive bonus; 2-4 stories in height by right with corridor or 6-20 stories in height with bonus
PD	**Planned Development District:** master-planned projects with residential, commercial, mixed residential and commercial, public and institutional, and recreation and entertainment uses; 200 ft lot frontage; density 50 du/ac; FAR .50, 10 stories in height
OF	**Office District:** office uses, related supporting business uses, and limited public and institutional uses; 50 ft lot frontage; 5,000 sq ft lot area; FAR 50%; 2 stories or 35 feet in height
GP	**Government Properties District:** public and institutional uses
I-1	**Light Industrial District:** research, assembly, fabrication, manufacturing, repair, service, retail, entertainment, and places of public assembly, adult entertainment subject to public hearing approval; 125 ft lot frontage; 10,000 sq ft lot area; FAR .50; 55 feet in height
I-2	**Heavy Industrial District:** research, assembly, fabrication, manufacturing, repair, service, retail, entertainment, and places of public assembly; 125 ft lot frontage; 10,000 sq ft lot area; FAR .50; 55 feet in height
AU	**Agricultural and Utilities District:** agricultural, select public and institutional uses, select recreational uses, limited commercial and service uses, light industrial uses; 150 ft lot frontage; 43,560 sq ft lot area; 2 stories in height

May 2010