

RESOLUTION No. 2009-124-1069-Z-87

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, GRANTING THE APPLICATION OF THE MIAMI DEVELOPMENT AUTHORITY FOR A SPECIAL EXCEPTION TO PERMIT A CHARTER SCHOOL ON PROPERTY GENERALLY LOCATED AT N.W. 34 COURT AND N.W. 183<sup>rd</sup> AVENUE, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR A DECLARATION OF RESTRICTIVE COVENANTS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Miami Development Authority, has applied for a special exception related to property generally located at N.W. 34<sup>th</sup> Court and .W. 183<sup>rd</sup> Street, in the City of Miami Gardens, and more particularly descried on Exhibit "A" attached hereto, for a special exception to allow a charter school, and

WHEREAS, the City Staff has reviewed the application and is recommending approval of the applicant's application, subject to certain statutory conditions, and

WHEREAS, the City Council has reviewed the Staff report, as well as heard the testimony of the applicant and/or his representatives, if any, and

WHEREAS, the City Council also considered the testimony of the City's Development Services Staff, and the Staff report attached hereto as Exhibit "B," incorporated herein by reference,

WHEREAS, the City Council held a public hearing on this request on June 3, 2009,

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 Miami Development Authority, for a special exception to permit a charter school, subject to the conditions outlined in 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 REGULAR MEETING HELD ON JULY 1, 2009.

  
SHIRLEY GIBSON, MAYOR

ATTEST:

  
RONETTA TAYLOR, MMC, CITY CLERK

Prepared by SONJA KNIGHTON DICKENS, ESQ.  
City Attorney

SPONSORED BY: DANNY CREW, CITY MANAGER

MOVED BY: Councilman Gilbert  
SECOND BY: Vice Mayor Watson

**VOTE: 6-0**

Mayor Shirley Gibson	<u>  X  </u> (Yes)	<u>    </u> (No)
Vice Mayor Barbara Watson	<u>  X  </u> (Yes)	<u>    </u> (No)
Councilman Melvin L. Bratton	<u>  X  </u> (Yes)	<u>    </u> (No)
Councilman Aaron Campbell	<u>  X  </u> (Yes)	<u>    </u> (No)
Councilman André Williams	<u>  X  </u> (Yes)	<u>    </u> (No)
Councilwoman Sharon Pritchett	<u>    </u> (Yes)	<u>    </u> (No) (not present)
Councilman Oliver Gilbert, III	<u>  X  </u> (Yes)	<u>    </u> (No)



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

**City of Miami Gardens  
 Agenda Cover Memo – Zoning  
 Miami Development Authority-PH-2009-000040**

Council Meeting Date:	Zoning Meeting July 1 <sup>st</sup> , 2009		Item Type: <i>(Enter X in box)</i>	Resolution X	Ordinance	Declaration n/a	
	Fiscal Impact: <i>(Enter X in box)</i>	Yes	No	Ordinance Reading: <i>(Enter X in box)</i>	1 <sup>st</sup> Reading		2 <sup>nd</sup> Reading
		X	Public Hearing: <i>(Enter X in box)</i>	Yes	No	Yes	No
Sponsor Name: City Manager	Department: Planning and Zoning		Advertising Requirement: <i>(Enter X in box)</i>	Yes	No		
				X			

**Short Title:**

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**Staff Summary:**

This item was deferred from the June 3<sup>rd</sup>, 2009 meeting by the City Council to allow time for the City’s Traffic Engineer to complete the Traffic Impact Analysis review and provide comments. The City’s Traffic Engineer has completed the review and has approved the traffic analysis with two conditions. Those conditions have been incorporated into the Declaration of Restrictive Covenants.

**ITEM-10A) RESOLUTION  
 PUBLIC HEARING  
 Application of The  
 Miami Development Authority**

The applicant's request is to allow the establishment of a Public Charter School. Submitted plans indicate the school will be developed in two (2) phases; Phase I being a 31,757 square foot Middle School (Grades 6-8) for 400 students; 33 teachers; with 18 classrooms; Phase II which will be a 21,604 square foot Elementary School (Grades K-5) for 300 students; 20 teachers; with 15 classrooms. A special exception must be granted to allow the establishment of a Charter School.

Recommend approval of the Resolution, subject to the following conditions:

1. Plans Submitted. That the property be developed substantially in accordance with plans submitted with this request as prepared by OA Architecture, labeled "Florida International Academy" dated 03-10-09, consisting of sheets L1, SW1-2, A1-5.
2. Failure to Operate. If the charter school facility is constructed but fails to begin operation and/or the charter school fails after establishment, that the property owner, within 36 months of the facility's failure to begin operation or closure shall cause:
  - a) the facility to be in full compliance with all zoning regulations applicable to the property on which the charter school is located and allowing a use other than the charter school use, or
  - b) the operation of the charter school facility to be transferred to another charter school operator or the School Board, approved through applicable processes of the Miami-Dade County School Board, or
  - c) the charter school facility to be converted to an allowable use within the zoning district, provided said allowable use has first been authorized through the issuance of the appropriate permits, or
  - d) authorization to be obtained at public hearing by the City Council to convert the charter school facility to a use not otherwise allowable within the zoning district."
3. AM Drop-Off and PM Pick-Up Times Restriction. The proposed Charter School shall schedule AM drop-off and PM pick-up times as to not conflict with those of Miami Carol City High School.
4. Future AM and PM Adjustments. Once the Charter School is operational, the City of Miami Gardens will review and evaluate traffic operations and safety conditions at the T-intersections of NW 183<sup>rd</sup> Street and NW 187<sup>th</sup> Street with NW 34 Court to determine if further adjustments are needed to the student AM drop-off and PM pick-up times to reduce operational and safety concerns. The applicant shall make the necessary adjustments to the hours of operation as deemed necessary by the City.
5. Declaration of Restrictive Covenants. That the applicant proffer a Declaration of Restrictive Covenants containing the conditions herein, on a form approved by the City Attorney.



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