

THIS ITEM WILL BE DEFERRED AND REVISED AT THE 7-3-08 MEETING OF THIS BOARD

HEARING NO. 08-7-CC-5 (07-303)

18-56-40  
BCC  
Comm. Dist. 8

APPLICANT: SOUTHWESTERN GRANT L.L.C.

- (1) SPECIAL EXCEPTION to permit the expansion of an existing Charter School.
- (2) MODIFICATION of Paragraph 6(a) of a Declaration of Restrictions as recorded in Official Records Book 22662, Pages 3984 – 4007, only as it applies to the subject property, reading as follows:

FROM: "6. Charter School.

- (a) The Plan identifies 7.82 acres (hereinafter collectively the 'School Site') designated for the construction and operation of one or more K-12 charter schools, which will provide 1100 student stations, operated under one or more charter(s) from the School Board of the County (hereinafter the 'School Board'). Prior to construction of the School Site, the charter school(s) shall be subject to review by the Miami-Dade County Developmental Impact Committee ('DIC') Executive Council under separate application in accordance with procedures for the review of charter schools. The application(s) for such review shall include a Phase I Environmental Assessment and subsurface investigations and, if required, Phase II Environmental Assessment and subsurface investigations prepared by a licensed geotechnical firm. The cost of the Phase I Environmental Assessment and Phase II Environmental Assessment if required, shall be paid for by the Owners."

TO: "6. Charter School.

- (a) The Plan identifies ~~7.82~~ 2.47 acres (~~hereinafter collectively~~ the 'School Site') designated for the construction and operation of a K-12 ~~K-5~~ charter school, which will provide ~~1100~~ a maximum of 500 student stations, operated under one or more charter(s) from the School Board of the County (hereinafter the 'School Board'). ~~Prior to construction, expansion or modification of the School Site, the charter school shall be subject to review by the Miami-Dade County Developmental Impact Committee ('DIC') Executive Council under separate application in accordance with procedures for the review of charter schools. The application(s) for such review shall include a Phase I Environmental Assessment and subsurface investigations and, if required, Phase II Environmental Assessment and subsurface investigations prepared by a licensed geotechnical firm. The cost of the Phase I Environmental Assessment and Phase II Environmental Assessment if required, shall be paid for by the Owners."~~

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- (3) MODIFICATION of Conditions 6(d) and 6(e) of Resolution #Z-20-06, passed and adopted by the Board of County Commissioners, only as it applies to the subject property and reading as follows:

FROM: "6(d) The Owners shall obtain a Certificate(s) of Use and Occupancy for a charter school(s) providing a minimum of 800 student stations for grades K-12 no later than the beginning of the 2007-08 school year."

TO: "6(d) The Owners shall obtain a Certificate(s) of Use and Occupancy for the a charter school(s) providing a minimum of 800 an aggregate total of 500 student stations in grades K-12 K-5 no later than the beginning of the 2007-08 2010-2011 school year."

FROM: "6(e) The owner shall obtain a certificate(s) of use and occupancy for a charter school(s) providing a minimum of an additional 300 student stations for grades K-12, providing an aggregate total of 1,100 student stations no later than the beginning of the 2008-09 school year. The owner shall apply for the creation of a special taxing district, create a homeowners association, and/or similar entity approved by Miami-Dade County to maintain and operate the charter school(s) in the event that such a maintenance or operation would become necessary. Owners shall be deemed to have complied with Paragraph 6(a) – (e) herein upon completing and opening a 1,100-student station charter school."

TO: "6(e) The owner shall obtain a Certificate(s) of Use and Occupancy for a charter school(s) providing a minimum of an additional 300 200 student stations for grades K-12 K-5, providing an aggregate total of 1,100 500 student stations no later than the beginning of the 2008-09 2010-11 school year. The owner shall apply for the creation of a special taxing district, create a homeowners association, and/or similar entity approved by Miami-Dade County to maintain and operate the charter school(s) in the event that such a maintenance or operation would become necessary. Owners shall be deemed to have complied with Paragraph 6(a) – (e) herein upon completing and opening a 1,100 500-student station charter school."

- (4) MODIFICATION of Paragraphs 6(d) and 6(e) of Declaration of Restrictions for Charter Schools as recorded in the Official Records Book 22662, Pages 3984 – 4007, last modified by a Modification of Declaration of Restrictions, recorded in Official Records Book 22662, Pages 3984-4007, as recorded in Official Records Book 24780, Pages 2321 – 2406, only as it applies to the subject property, reading as follows:

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FROM: "6(d) The Owners shall obtain a Certificate(s) of Use and Occupancy for a charter school(s) providing a minimum of 800 student stations for grades K-12 no later than the beginning of the 2007-08 school year."

TO: "6(d) The Owners shall obtain a Certificate(s) of Use and Occupancy for the charter school providing a ~~minimum~~ maximum of ~~800~~ 500 students stations ~~for in~~ grades ~~K-12~~ K-5 no later than the beginning of the ~~2007-08~~ 2010-2011 school year.

FROM: "6(e) The owner shall obtain a certificate(s) of use and occupancy for a charter school(s) providing a minimum of an additional 300 student stations for grades K-12, providing an aggregate total of 1,100 student stations no later than the beginning of the 2008-09 school year. The owner shall apply for the creation of a special taxing district, create a homeowners association, and/or similar entity approved by Miami-Dade County to maintain and operate the charter school(s) in the event that such maintenance or operation would become necessary. Owners shall be deemed to have complied with Paragraph 6(a) – (e) herein upon completing and opening an 1,100-student station charter school."

TO: "6(e) The owner shall obtain a certificate(s) of Use and Occupancy for a Charter School(s) providing a ~~minimum~~ of an additional ~~300~~ 200 students station for grades ~~K-12~~ K-5, providing an aggregate total of ~~1,100~~ 500 students stations no later than the beginning of the ~~2008-09~~ 2010-2011 school year. ~~The Owner shall apply for the creation of a special taxing district, create a homeowners' association, and/or similar entity approved by Miami-Dade County to maintain and operate the charter school(s) in the event that such maintenance or operation would become necessary.~~ Owners shall be deemed to have complied with Paragraphs 6(a)-(e) herein upon completing and opening a ~~1,100~~ 500 student station charter school."

(5) MODIFICATION of Paragraphs #2 and #11 of a Declaration of Restrictions as recorded in Official Records Book 26217, Pages 1426 – 1434, only as it applies to the subject property, reading as follows:

FROM: "2. That the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Somerset Charter School at Silver Palm,' by Civica, dated stamped received January 27, 2005."

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TO: "2. That ~~the~~ in the approval of the plan, the same be substantially in accordance with that submitted ~~for the hearing~~ entitled 'Somerset Charter Elementary School at Silver Palm, S.W. 117<sup>th</sup> Avenue and Silver Palm Drive, Miami, FL' by Civica Architect, dated stamped received ~~January 27, 2005~~ 5/21/08 and consisting of 10 pages."

FROM: "11. That the charter school use shall be limited to grades K-5 for a maximum of 300 students."

TO: "11. That the charter school use shall be limited to grades K-5 for a maximum of ~~300~~ 500 students."

(6) Applicant is requesting to permit temporary parking on natural terrain (hard surface required).

The purpose of these requests is to allow the applicant to submit revised plans indicating an increase in the number of students for a previously approved Charter School and to allow temporary parking on natural terrain.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 - #5 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 request #6 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 Department of Planning and Zoning. Plans may be modified at public hearing.

SUBJECT PROPERTY: Tract "H", SILVER PALM EAST, SECTION TWO, Plat book 164, Page 87.

LOCATION: The Northeast corner of S.W. 232 Street and S.W. 117 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 2.47 Acres

PRESENT ZONING: RU-1M(a) (Modified Single-Family 5,000 sq. ft. net)

HEARING NO. 08-7-CC-6 (07-318)

18/19-56-40  
BCC  
Comm. Dist. 8

APPLICANT: SOUTHWESTERN GRANT L.L.C.

- (1) SPECIAL EXCEPTION to permit the expansion of an existing Charter School.
- (2) MODIFICATION of Paragraph 6(a) of a Declaration of Restrictions as recorded in Official Records Book 22662, Pages 3984 – 4007, only as it applies to the subject property, reading as follows:

FROM: "6. Charter School.

- (a) The Plan identifies 7.82 acres (hereinafter collectively the 'School Site') designated for the construction and operation of one or more K-12 charter schools, which will provide 1100 student stations, operated under one or more charter(s) from the School Board of the County (hereinafter the 'School Board'). Prior to construction of the School Site, the charter school(s) shall be subject to review by the Miami-Dade County Developmental Impact Committee ('DIC') Executive Council under separate application in accordance with procedures for the review of charter schools. The application(s) for such review shall include a Phase I Environmental Assessment and subsurface investigations and, if required, Phase II Environmental Assessment and subsurface investigations prepared by a licensed geotechnical firm. The cost of the Phase I Environmental Assessment and Phase II Environmental Assessment if required, shall be paid for by the Owners."

TO: "6. Charter School.

- (a) The Plan identifies ~~7.82~~ 5.97 acres (~~hereinafter collectively~~ the 'School Site') designated for the construction and operation of ~~one or more~~ a K-12 charter schools, which will provide 1,100 student



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stations, operated under one or more charter(s) from the School Board of the County (hereinafter the 'School Board'). ~~Prior to construction of the School Site, the charter school(s) shall be subject to review by the Miami-Dade County Developmental Impact Committee ('DIC') Executive Council under separate application in accordance with procedures for the review of charter schools. The application(s) for such review shall include a Phase I Environmental Assessment and subsurface investigations and, if required, Phase II Environmental Assessment and subsurface investigations prepared by a licensed geotechnical firm. The cost of the Phase I Environmental Assessment and Phase II Environmental Assessment if required, shall be paid for by the Owners."~~

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- (3) MODIFICATION of Conditions 6(d) and 6(e) of Resolution #Z-20-06, passed and adopted by the Board of County Commissioners, only as it applies to the subject property and reading as follows:

FROM: “6(d) The Owners shall obtain a Certificate(s) of Use and Occupancy for a charter school(s) providing a minimum of 800 student stations for grades K-12 no later than the beginning of the 2007-08 school year.”

TO: “6(d) The Owners shall obtain a Certificate(s) of Use ~~and Occupancy~~ for a charter school(s) providing ~~a minimum of 800~~ an aggregate total of 1,100 student stations for grades K-12 no later than the beginning of the ~~2007-08~~ 2008-09 school year.

FROM: “6(e) The owner shall obtain a Certificate(s) of Use and Occupancy for a charter school(s) providing a minimum of an additional 300 student stations for grades K-12, providing an aggregate total of 1,100 student stations no later than the beginning of the 2008-09 school year. The owner shall apply for the creation of a special taxing district, create a homeowners association, and/or similar entity approved by Miami-Dade County to maintain and operate the charter school(s) in the event that such a maintenance or operation would become necessary. Owners shall be deemed to have complied with Paragraph 6(a) – (e) herein upon completing and opening a 1,100-student station charter school.”

TO: “6(e) The owner shall obtain a Certificate(s) of Use ~~and Occupancy~~ for a charter school(s) providing a minimum of an additional 300 student stations for grades K-12, providing an aggregate total of 1,100 student stations no later than the beginning of the 2008-09 school year. ~~The owner shall apply for the creation of a special taxing district, create a homeowners association, and/or similar entity approved by Miami-Dade County to maintain and operate the charter school(s) in the event that such a maintenance or operation would become necessary.~~ Owners shall be deemed to have complied with Paragraph 6(a) – (e) herein upon completing and opening a 1,100-student station charter school.”

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- (4) MODIFICATION of Paragraphs 6(d) and 6(e) of Declaration of Restrictions for Charter Schools as recorded in the Official Records Book 22662, Pages 3984-4007, last modified by a "Modification of Declaration of Restrictions Recorded at Official Records Book 22662, Pages 3984-4007," as recorded in Official Records Book 24780, Pages 2321 – 2406, only as it applies to the subject property, reading as follows:

FROM: "6(d) The Owners shall obtain a certificate(s) of use and occupancy for a charter school(s) providing a minimum of 800 student stations for grades K-12 no later than the beginning of the 2007-08 school year."

TO: "6(d) The Owners shall obtain a Certificate(s) of Use ~~and occupancy~~ for a charter school(s) providing ~~a minimum~~ an aggregate total of ~~800~~ 1,100 student stations for grades K –12 no later than the beginning of the ~~2007-08~~ 2008-09 school year.

FROM: "6(e) The owner shall obtain a certificate(s) of use and occupancy for a charter school(s) providing a minimum of an additional 300 student stations for grades K-12, providing an aggregate total of 1,100 student stations no later than the beginning of the 2008-09 school year. The owner shall apply for the creation of a special taxing district, create a homeowners association, and/or similar entity approved by Miami-Dade County to maintain and operate the charter school(s) in the event that such a maintenance or operation would become necessary. Owners shall be deemed to have complied with Paragraph 6(a) – (e) herein upon completing and opening a 1,100-student station charter school."

TO: "6(e) The owner shall obtain a certificate(s) of Use ~~and Occupancy~~ for a Charter School(s) providing ~~a minimum~~ of an additional 300 student stations for grades K-12, providing an aggregate total of 1,100 student stations no later than the beginning of the 2008-09 school year. ~~The Owner shall apply for the creation of a special taxing district, create a homeowners' association, and/or similar entity approved by Miami-Dade County to maintain and operate the charter school(s) in the event that such a maintenance or operation would become necessary.~~ Owners shall be deemed to have complied with Paragraph 6(a)-(e) herein upon completing and opening a 1,100 student station charter school."

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APPLICANT: SOUTHWESTERN GRANT L.L.C.

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- (5) MODIFICATION of Paragraphs #2 and #11 of a Declaration of Restrictions as recorded in Official Record Book 26217, Pages 1290 – 1298, only as it applies to the subject property, reading as follows:

FROM: "2. That the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Somerset Charter School at Silver Palm Kindergarten School and 1<sup>st</sup> – 12<sup>th</sup> Grade School,' by Civica, dated stamped received January 27, 2005."

TO: "2. That ~~the~~ in the approval of the plan, the same be substantially in accordance with that submitted ~~for the hearing~~ entitled 'Somerset Charter School at Silver Palm Kindergarten School and 1<sup>st</sup> – 12<sup>th</sup> Grade School' as prepared by Civica Architect, Sheet A-1.1 dated stamped received January 27, 2005 5/28/08 with Sheets A-1.0 through A-1.2 dated last revised 5/15/08 and the remaining sheets dated stamped received 5/21/08 for a total of 14 sheets."

FROM: "11. That the charter school use shall be limited to grades Kindergarten to 12<sup>th</sup> grade for a maximum of 800 students."

TO: "11. That the charter school use shall be limited to grades Kindergarten to 12<sup>th</sup> grade for a maximum of ~~800~~ 1,100 students."

The purpose of these requests is to allow the applicant to submit revised site plans indicating an increase in the number of students and to show one parcel to be used for parking only for the Charter School.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2-#5 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).

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

SUBJECT PROPERTY: Tracts "F" and "G", SILVER PALM EAST, SECTION 2, Plat book 164, Page 97.

LOCATION: The north and south sides of S.W. 232 Street, between S.W. 114 Place and S.W. 115 Avenue, Miami-Dade County, Florida; A/K/A: 23255 S.W. 115 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 5.97 Acres



PRESENT ZONING: RU-1M(a) (Modified Single-Family 5,000 sq. ft. net)