

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-23-08

WHEREAS, SOUTHWESTERN GRANT L.L.C. applied for the following:

- (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 5.97 acres (the 'School Site') designated for the construction and operation of a K-12 charter schools, which will provide 1,100 student stations, operated under one or more charter(s) from the School Board of the County (hereinafter the 'School Board')."
- (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 for a charter school providing an aggregate total of 1,100 student stations for grades K-12 no later than the beginning of the 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 for a charter school 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. Owners shall be deemed to have complied with Paragraph 6(a) – (e) herein upon completing and opening a 1,100-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 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 harter 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 for a charter school providing an aggregate total of 1,100 student stations for grades K –12 no later than the beginning of the 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 for a Charter School providing 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. Owners shall be deemed to have complied with Paragraph 6(a)-(e) herein upon completing and opening a 1,100 student station charter school."
- (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 1st – 12th Grade School,' by Civica, dated stamped received January 27, 2005."
- TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted entitled 'Somerset Charter School at Silver Palm' as prepared by Civica Architect, Sheet A-1.1 dated stamped received 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 2th grade for a maximum of 800 students."
- TO: "11. That the charter school use shall be limited to grades Kindergarten to 12th grade for a maximum of 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, 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, 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 the expansion of an existing Charter School (Item #1) and the requested modifications 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 (Item #2), 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 (Item #3), 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 (Item #4), and 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 (Item #5) would be compatible with the area and its development and 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 that the requested special exception (Item #1) would not have an adverse impact upon the public interest and should be approved and

1. That the applicant submit revised Declarations of Restrictions to the Department of Planning and Zoning within 90 days of approval of this application unless an extension is granted by the Director for good cause shown.
2. That all conditions of Resolution No. Z-20-06 remain in full force and effect except as herein modified.
3. That 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 as prepared by Civica Architect, Sheet A-1.1 dated stamped received 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," and "Stacking Option Plan B: School Site Parcel 'A'," as prepared by Civica Architect, dated May 30, 2008 and consisting of 1 sheet.
4. That the applicant obtain a revised Certificate of Use from and promptly renew the same annually with the Department of Planning and Zoning for the additional students for the Charter School, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
5. That the applicant comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various Departments as contained in the Departmental memoranda which are part of the record of this application and incorporated herein by reference.
6. That the approval of this application shall be contingent upon approval of application #07-303.
7. That a Unity of Title be submitted to the Department of Planning and Zoning at the time of building permit application. Said instrument shall tie subject Parcels A and B to Parcel C which is the subject of application #07-303.
8. That all parking on Parcel B be restricted to teachers and staff only.
9. That the Charter School have a minimum of four staggered start/dismissal times for 1,100 students in grades K-12.

BE IT FURTHER RESOLVED that the requested 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 (Item #2), shall read as follows:

6. Charter School.

- (a) The Plan identifies 5.97 acres (the 'School Site') designated for the construction and operation of a K-12 charter schools, which will provide 1,100 student stations, operated under one or more charter(s) from the School Board of the County (hereinafter the 'School Board').

BE IT FURTHER RESOLVED that the requested 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 (Item #3), shall read as follows:

- 6(d) The Owners shall obtain a Certificate(s) of Use for a charter school providing an aggregate total of 1,100 student stations for grades K-12 no later than the beginning of the 2008-09 school year.
- 6(e) The owner shall obtain a Certificate(s) of Use for a charter school 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. Owners shall be deemed to have complied with Paragraph 6(a) – (e) herein upon completing and opening a 1,100-student station charter school.

BE IT FURTHER RESOLVED that the requested 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 (Item #4), shall read as follows:

- 6(d) The Owners shall obtain a Certificate(s) of Use for a charter school providing an aggregate total of 1,100 student stations for grades K –12 no later than he beginning of the 2008-09 school year.
- 6(e) The owner shall obtain a certificate(s) of Use for a Charter School providing 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. Owners shall be deemed to have complied with Paragraph 6(a)-(e) herein upon completing and opening a 1,100 student station charter school.

BE IT FURTHER RESOLVED that the requested 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 (Item #5), shall read as follows:

- 2. That in the approval of the plan, the same be substantially in accordance with that submitted entitled ‘Somerset Charter School at Silver Palm’ as prepared by

Civica Architect, Sheet A-1.1 dated stamped received 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.

11. That the charter school use shall be limited to grades Kindergarten to 12th grade for a maximum of 1,100 students.

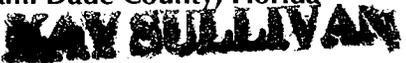
BE IT FURTHER RESOLVED, that Items #2 through 5 be and the same are hereby denied without prejudice under Section 33-311(A)(17).

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 changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 17th day of July, 2008, 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. 08-7-CC-6
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HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida
By 
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 30TH DAY OF JULY, 2008.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Deputy Clerk's Name, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning 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-23-08 adopted by said Board of County Commissioners at its meeting held on the 17th day of July, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 30th day of July, 2008.



Earl Jones, Deputy Clerk (3230)
Miami-Dade County Department of Planning and Zoning

SEAL

