

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-24-08

WHEREAS, SUMMERVILLE CHARTER SCHOOL, INC. applied for the following:

- (1) MODIFICATION of Conditions #2, #11, #12 and #14 of Resolution No. Z-24-05, 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 'Summerville Charter School,' by Juan A. Rodriguez Jomolca, dated stamped received July 08, 2005, (except as modified herein to indicate that all parking aisles shall have a minimum of 15' radius on the driveway side)."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Summerville Charter School,' by Juan A. Rodriguez-RA Jomolca, dated stamped received March 24, 2008 and consisting of 5 pages (except as modified herein to indicate that all parking aisles shall have a minimum of 15' radius on the driveway side)."

FROM: "11. That the charter school use shall be limited to grades kindergarten through 5th grade."

TO: "11. That the charter school use shall be limited to grades kindergarten through 8th grade."

FROM: "12. That phase 1 of the charter school facility be limited to a maximum of 300 students, and that phase 2 be limited to a maximum of 455 students."

TO: "12. That the charter school facility be limited to a maximum of 550 students."

FROM: "14. That there be three staggered shifts of arrival and dismissal for students at the charter school. Said shifts shall be as follows:

Grade Levels	#Students	Arrival	Dismissal
K-1	155	8:00 AM	2:00 PM
2-3	150	8:20 AM	2:20 PM
4-5	150	8:40 AM	2:40 PM

TO: "14. That there be three staggered shifts of arrival and dismissal for students at the charter school. Said shifts shall be as follows:

Grade Levels	#Students	Arrival	Dismissal
K-3	190	8:50 AM	11:50 AM
4-5	180	8:20 AM	2:20 PM
6-8	180	8:50 AM	2:50 PM

(2) MODIFICATION of Paragraphs #1, #2 and #3 of a Declaration of Restrictions recorded in Official Record Book 24126, Pages 700-708, 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 'Summerville Charter School,' prepared by Juan A. Rodriguez, dated stamped received on September 1, 2005 (the 'Plan'), as said plan may be further modified at public hearing on the Application."

TO: "1. The use of the Property shall be established and maintained substantially in accordance with the plan submitted with the Application entitled 'Summerville Charter School Dade County, Florida,' prepared by Juan A. Rodriguez, RA Jomolca dated stamped received on March 24, 2008 and consisting of 5 pages, as said plan may be further modified at public hearing on the Application."

FROM:"2. The Charter School use shall be limited to kindergarten through fifth grades with four hundred fifty-five (455) students, and shall open in a permanent facility, depicted as Phase II in the Plan, no later than the beginning of the 2007 school year. In the event the Charter School is constructed in two phases, Phase I of the Charter School, as depicted in the Plan, shall be limited to 300 students and any modular facilities erected as part of Phase I shall be removed from the property no later than August 1, 2007."

TO: "2. The Charter School use shall be limited to kindergarten through eighth grades with five hundred fifty (550) students."

FROM: "3. The proposed start/dismissal times for the Charter School are as follows:

Kindergarten and 1st Grade – Start 8 a.m./Dismissal 2 p.m.
 2nd and 3rd Grades – Start 8:20 a.m./Dismissal 2:20 p.m.
 4th and 5th Grades – Start 8:40 a.m./Dismissal 2:40 p.m.

However, the owner, at it its (sic) discretion, may modify the foregoing schedule so long as the Charter School has a minimum of three (3) start/dismissal times staggered at least twenty (30) 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 proposed start/dismissal times for the Charter School area as follows:

Kindergarten to 3rd Grade – Start 7:50 a.m./Dismissal 1:50 p.m.
4th and 5th Grades – Start 8:20 a.m./Dismissal 2:20 p.m.
6th to 8th Grade – Start 8:50 a.m./Dismissal 2:50 p.m.

However, the owner, at its discretion, may modify the foregoing schedule so long as the Charter School has a minimum of three (3) start/dismissal times staggered at least twenty (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.”

The Purpose of these requests is to allow the applicant to increase the amount of students, to increase the grades and to modify the schedule for the charter school.

Upon a demonstration that the applicable standards have been satisfied, approval of these requests 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: Tract “GG” of the SUMMERVILLE SUBDIVISION, Plat book 162, Page 44.

LOCATION: 11575 S.W. 243 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, 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 modifications of Conditions #2, #11, #12 and #14 of Resolution No. Z-24-05, passed and adopted by the Board of County Commissioners (Item #1) and of

Paragraphs #1, #2 and #3 of a Declaration of Restrictions recorded in Official Record Book 24126, Pages 700-708 (Item #2) would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance, and

WHEREAS, a motion to approve Items #1 and 2 under Section under Section 33-311(A)(7), and to deny Items #1 and 2 with out prejudice under Section 33-311(A)(17) was offered by Commissioner Katy Sorenson, seconded by Commissioner Jose "Pepe" Diaz, and upon a poll of the members present the vote was as follows:

Jose "Pepe" Diaz	aye	Dennis C. Moss	aye
Audrey M. Edmonson	aye	Dorrin D. Rolle	aye
Carlos A. Gimmenez	aye	Natacha Seijas	aye
Sally A. Heyman	aye	Katy Sorenson	aye
Barbara J. Jordan	absent	Rebecca Sosa	aye
Joe A. Martinez	absent	Sen. Javier D. Souto	aye
		Bruno A. Barreiro	aye

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the requested modifications of Conditions #2, #11, #12 and #14 of Resolution No. Z-24-05, passed and adopted by the Board of County Commissioners (Item #1) and of Paragraphs #1, #2 and #3 of a Declaration of Restrictions recorded in Official Record Book 24126, Pages 700-708 (Item #2) be and the same are hereby approved under Section 33-311(A)(7), subject to the following conditions:

1. That all the conditions of Resolution No. Z-24-05 remain in full force and effect except as herein modified.
2. That a revised Declaration of Restrictions be submitted to the Department of Planning and Zoning within 90 days after final public hearing approval of this application, unless a time extension is granted by the Director, for good cause shown.
3. That the applicant comply with all 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.

BE IT FURTHER RESOLVED that the requested modification of Conditions #2, #11, #12 and #14 of Resolution No. Z-24-05, passed and adopted by the Board of County Commissioners (Item #1), shall read as follows:

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Summerville Charter School,' by Juan A. Rodriguez-RA Jomolca, dated stamped received March 24, 2008 and consisting of 5 pages (except as modified herein to indicate that all parking aisles shall have a minimum of 15' radius on the driveway side).
11. That the charter school use shall be limited to grades kindergarten through 8th grade.
12. That the charter school facility be limited to a maximum of 550 students.
14. That there be three staggered shifts of arrival and dismissal for students at the charter school. Said shifts shall be as follows:

Grade Levels	#Students	Arrival	Dismissal
K-3	190	8:50 AM	11:50 AM
4-5	180	8:20 AM	2:20 PM
6-8	180	8:50 AM	2:50 PM

BE IT FURTHER RESOLVED that the requested modification of Paragraphs #1, #2 and #3 of a Declaration of Restrictions recorded in Official Record Book 24126, Pages 700-708 (Item #2), shall read as follows:

1. The use of the Property shall be established and maintained substantially in accordance with the plan submitted with the Application entitled 'Summerville Charter School Dade County, Florida,' prepared by Juan A. Rodriguez, RA Jomolca dated stamped received on March 24, 2008 and consisting of 5 pages, as said plan may be further modified at public hearing on the Application.
2. The Charter School use shall be limited to kindergarten through eighth grades with five hundred fifty (550) students.
3. The proposed start/dismissal times for the Charter School area as follows:

Kindergarten to 3rd Grade – Start 7:50 a.m./Dismissal 1:50 p.m.
 4th and 5th Grades – Start 8:20 a.m./Dismissal 2:20 p.m.
 6th to 8th Grade – Start 8:50 a.m./Dismissal 2:50 p.m.

However, the owner, at its discretion, may modify the foregoing schedule so long as the Charter School has a minimum of three (3) start/dismissal times staggered at least twenty (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.

BE IT FURTHER RESOLVED, that Items #1 and 2 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-7
ej

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

By **KAY SULLIVAN**
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-24-08 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

