

# Memorandum

MIAMI-DADE  
COUNTY

Date: January 9, 2012  
To: Distribution  
From: Earl Jones, Deputy Clerk  
Subject: Resolutions

CLERK OF THE BOARD  
2012 JAN -9 PM 3:00  
CLERK CIRCUIT & COUNTY OF  
MIAMI-DADE COUNTY FLA.  
#1

Attached is resolution Z-16-11 from the Board of County Commissioners meeting on December 8, 2011.

**Please note that resolution Z-15-11 was distributed earlier.**

Any missing resolutions must be reported to this office (ext. 2129) no later than five (5) days from the date of this memo.

## Attachments

Distribution: Agenda Coordinator's Office - MDC - 11th Floor  
Clerk of the Board – Linda Cave, MDC -17th Floor  
Property Appraiser – Eugenio Alonso/Angela Hall, MDC - 8th Floor

Approved: \_\_\_\_\_ Mayor

Veto: \_\_\_\_\_

Override: \_\_\_\_\_

**RESOLUTION NO. Z-16-11**

WHEREAS, VALENCIA SCHOOL DEVELOPMENT L. L. C. applied for the following:

- (1) MODIFICATION of Conditions #2, #10 and #12 of Resolution No. Z-30-06, and last modified by Z-26-07, both passed and adopted by the Board of County Commissioners, 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 "Valencia School Development L.L.C." as prepared by Civica, consisting of 8 sheets and dated stamped received 6/12/06."

TO: " 2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Somerset Academy Charter School" as prepared by Civica, consisting of 8 sheets and dated stamped received 8/18/11."

FROM: "10. That the charter school use shall be limited to Grades K through 8<sup>th</sup> for a maximum of 700 students:

TO: "10. That the charter school use shall be limited to Grades K through 8<sup>th</sup> for a maximum of 800 students.

FROM: "12. That the staggered shifts of arrival and dismissal for students at the charter school shall be as follows:

K-Grade-1 7:30 AM - 1:30 PM (approx. 270 Students)  
Grades 2-3 7:30 AM - 2:30 PM (approx. 190 Students)  
Grades 4-5 8:00 AM - 3:00 PM (approx. 100 Students)  
Grades 6-8 8:30 AM - 3:30 PM (approx. 140 Students)

TO: "12. That the staggered shifts of arrival and dismissal for students at the charter school shall be as follows:

Arrival 7:30 AM - 8:00 AM K-Grade 2 (approx. 268 Students)  
Dismissal 1:30 PM - 2:00 PM K-Grade 2 (approx. 268 Students)

Arrival 8:00 AM - 8:30 AM Grades 3-5 (approx. 268 Students)  
Dismissal 3:00 PM - 3:30 PM Grades 3-5 (approx. 268 Students)

Arrival 8:30 AM - 9:00 AM Grades 6-8 (approx. 264 Students)  
Dismissal 3:30 PM - 4:00 PM Grades 6-8 (approx. 264 Students)

- (2) MODIFICATION of Paragraph #15, of a Declaration of Restrictions recorded in Official Record Book 24718, Pages 4115-4144 and last modified by a Second Modification of Declaration of Restrictions, recorded on Official Record Book 25884, Pages 3438-3449, reading as follows:

FROM: "15. The charter school shall be limited to grades K through 8. The maximum number of students at the charter school shall not exceed seven hundred (700)."

TO: "15. The charter school shall be limited to grades K through 8. The maximum number of students at the charter school shall not exceed eight hundred (800)."

- (3) MODIFICATION of Paragraphs #17 and #19 of an Amendment and Restatement of the Declaration of Restrictions recorded in Official Record Book 25488, Pages 231-243, last modified by a Second Modification of Declaration of Restrictions 25884, Pages 3438-3449, reading as follows:

FROM: "17. The charter school shall be limited to grades K through 8 and a maximum of seven hundred (700) students."

TO: "17. The charter school shall be limited to grades K - 8. The maximum number of students at the charter school shall not exceed eight hundred (800)."

FROM: "19. That the staggered shifts of arrival and dismissal for students at the charter school shall be as follows:

7:30 AM – 1:30PM K-Grade 1: (approx. 270 Students)  
7:30 AM – 2:30PM Grades 2-3: (approx. 190 Students)  
8:00 AM – 3:00PM Grades 4-5: (approx. 100 Students)  
8:30 AM – 3:30PM Grades 6-8: (approx. 140 Students)"

TO: "19. That the staggered shifts of arrival and dismissal for students at the charter school shall be as follows:

7:30 AM – 1:30PM K-Grade 2: (approx. 268 Students)  
8:00 AM – 3:00PM Grades 3-5: (approx. 268 Students)  
8:30 AM – 3:30PM Grades 6-8: (approx. 264 Students)"

- (4) MODIFICATION of Paragraph #2 of an Amendment and Restatement of the Declaration of Restrictions Recorded at Official Records Books 24718, Pages 4115-4144, as recorded in Official Record Book 25488, Pages 231-243, 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 "Valencia School Development L.L.C." as prepared by Civica, consisting of 8 sheets and dated stamped received 6/12/06."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Somerset Academy Charter School" as prepared by Civica, consisting of 8 sheets and dated stamped received 8/18/11."

The purpose of the above requests is to allow the applicant to submit a revised site plan showing a sports court located within the recreational and sports area of the site, increase the total number of students permitted in the previously approved charter school and to modify the arrival and dismissal times and student count for the previously approved charter school.

The afore-mentioned plans are on file and may be examined in the Department of Permitting, Environment and Regulatory Affairs. Plans may be modified at public hearing.

SUBJECT PROPERTY: Tract A VALENCIA ACRES, Plat Book 162-69.

LOCATION: 18491 S.W. 134 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 at which time the applicant proffered a Declaration of Restrictions which among other things provided:

1. That a site plan shall be submitted to Miami-Dade County and meet with the approval of the Department of Permitting Environmental and Regulatory Affairs upon the submittal of an application for a building permit and/or Certificate of Use. Said plan to include among other things, but not limited to, location of structure or structures, types, sizes and location of signs, light standards, off-street parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted to the hearing entitled "SOMERSET ACADEMY CHARTER SCHOOL" as prepared by Civica, consisting of 8 sheets and dated stamped revised 8/18/11."
3. That the use be established and maintained in accordance with the approved plan.
4. That the Owner shall comply with Chapter 18A of the Miami-Dade County Code (landscape code), which requires, among other criteria, the instalment of 28 lot trees per net acre of land, street trees planted at 35 feet on center average, the instalment of shrubs and a maintenance plan for the preservation of the installed vegetation. All landscaping shall be of a species that is native and non-invasive to the local habitat.
5. That the Owner shall comply with all applicable conditions and requirements of the Environmental Resources Management (DERM) as contained in its memorandum pertaining to the Application.

6. That all stormwater runoff shall be retained on site utilizing properly designed seepage or infiltration drainage structures. Drainage plans shall provide for on-site retention of the stormwater runoff for a 5-year storm event. Pollution control devices shall be installed, as required, at all drainage inlet structures.
7. That the Owner shall comply with all DERM requirements, including operating permit requirements if applicable.
8. That the charter school use shall be limited to grades K through 8. The maximum number of students at the charter school shall not exceed eight hundred (800).
9. That the staggered shifts of arrival and dismissal for students at the charter school shall be as follows:

Arrival	7:30 AM to 8:00 AM	K - Grade 2:	(approx 268 Students)
Dismissal	1:30 PM to 2:00 PM	K - Grade 2:	(approx 268 Students)
Arrival	8:00 AM to 8:30 AM	Grades 3 - 5:	(approx 268 Students)
Dismissal	3:00 PM to 3:30 PM	Grades 3 - 5:	(approx 268 Students)
Arrival	8:30 AM to 4:00 PM	Grades 6 - 8:	(approx 264 Students)
Dismissal	3:30 PM to 4:00 PM	Grades 6 - 8:	(approx 264 Students)

10. That the Owner 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 the Developmental Impact Committee Executive Council Meeting, which took place on October 19, 2011 for consideration of this application and incorporated herein as Exhibit B to this Declaration.
11. That the Owner obtain a Certificate of Use from and promptly renew the same annually with the Department of Permitting, Environmental and Regulatory Affairs, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
12. That the Charter School submit a principal's letter certifying the number of students on an annual basis in order to process the Certificate of Use renewal.
13. That no outside speakers shall be permitted on the Property.
14. That the waste pick-up for the charter school shall be performed by a private commercial entity and shall be limited to pick-up between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except during arrival and dismissal times.
15. That the school gates shall be opened at least 30 to 45 minutes prior to the arrival and dismissal times.
16. That the Charter School shall provide or cause to be provided transportation other than individual passenger vehicles or car pool vehicles to and from the school for up to 120 students.

17. That the Charter School prohibit ingress to the school premises from the west bound lane.
18. That if the Charter School is constructed but fails to begin operation and/or the Charter School fails after establishment, the Owner, within thirty-six (36) months of the Charter School's failure to begin operation or closure, shall:
  - a) Cause the Charter School to be in full compliance with all zoning regulations applicable to the Property allowing a use other than the charter school use, or
  - b) Transfer the operation of the Charter School to another charter school operator or to the Miami-Dade County School Board, after securing the necessary approvals from the Miami-Dade County School Board, or
  - c) Convert the Charter School to a permitted use within the zoning district applicable to the Property, provided said use has first been authorized through the issuance of the appropriate permits from the Department, or
  - d) Secure necessary public hearing approvals to convert the Charter School to a use not otherwise permitted within the zoning district applicable to the Property.

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, #10 and #12 of Resolution No. Z-30-06, and last modified by Z-26-07, both passed and adopted by the Board of County Commissioners (Item #1), of Paragraph #15, of a Declaration of Restrictions recorded in Official Record Book 24718, Pages 4115-4144 and last modified by a Second Modification of Declaration of Restrictions, recorded on Official Record Book 25884, Pages 3438-3449 (Item #2), of Paragraphs #17 and #19 of an Amendment and Restatement of the Declaration of Restrictions recorded in Official Record Book 25488, Pages 231-243, last modified by a Second Modification of Declaration of Restrictions 25884, Pages 3438-3449 (Item #3), of

Paragraph #2 of an Amendment and Restatement of the Declaration of Restrictions Recorded at Official Records Books 24718, Pages 4115-4144, as recorded in Official Record Book 25488, Pages 231-243 (Item #4) would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance and would be consistent with the Comprehensive Development Master Plan, and that the proffered Declaration of Restrictions should be accepted, and

WHEREAS, a motion to accept the proffered Declaration of Restrictions and to approve Items #1 through #4 was offered by Commissioner Lynda Bell, seconded by Commissioner Audrey M. Edmonson, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	aye	Barbara J. Jordan	aye
Lynda Bell	aye	Jean Monestime	aye
Esteban Bovo, Jr.	aye	Dennis C. Moss	aye
Jose "Pepe" Diaz	absent	Rebecca Sosa	aye
Audrey M. Edmonson	aye	Sen. Javier D. Souto	aye
Sally A. Heyman	absent	Xavier L. Suarez	aye
		Joe A. Martinez	aye

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the requested modifications of Conditions #2, #10 and #12 of Resolution No. Z-30-06, and last modified by Z-26-07, both passed and adopted by the Board of County Commissioners (Item #1), of Paragraph #15, of a Declaration of Restrictions recorded in Official Record Book 24718, Pages 4115-4144 and last modified by a Second Modification of Declaration of Restrictions, recorded on Official Record Book 25884, Pages 3438-3449 (Item #2), of Paragraphs #17 and #19 of an Amendment and Restatement of the Declaration of Restrictions recorded in Official Record Book 25488,

Pages 231-243, last modified by a Second Modification of Declaration of Restrictions 25884, Pages 3438-3449 (Item #3), of Paragraph #2 of an Amendment and Restatement of the Declaration of Restrictions Recorded at Official Records Books 24718, Pages 4115-4144, as recorded in Official Record Book 25488, Pages 231-243 (Item #4) be and the same is hereby approved, subject to the following conditions:

1. That a site plan shall be submitted to Miami-Dade County and meet with the approval of the Department of Permitting Environmental and Regulatory Affairs upon the submittal of an application for a building permit and/or Certificate of Use. Said plan to include among other things, but not limited to, location of structure or structures, types, sizes and location of signs, light standards, off-street parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted to the hearing entitled "SOMERSET ACADEMY CHARTER SCHOOL" as prepared by Civica, consisting of 8 sheets and dated stamped revised 8/18/11."
3. That the use be established and maintained in accordance with the approved plan.
4. That the Owner shall comply with Chapter 18A of the Miami-Dade County Code (landscape code), which requires, among other criteria, the instalment of 28 lot trees per net acre of land, street trees planted at 35 feet on center average, the instalment of shrubs and a maintenance plan for the preservation of the installed vegetation. All landscaping shall be of a species that is native and non-invasive to the local habitat.
5. That the Owner shall comply with all applicable conditions and requirements of the Environmental Resources Management (DERM) as contained in its memorandum pertaining to the Application.
6. That all stormwater runoff shall be retained on site utilizing properly designed seepage or infiltration drainage structures. Drainage plans shall provide for on-site retention of the stormwater runoff for a 5-year storm event. Pollution control devices shall be installed, as required, at all drainage inlet structures.
7. That the Owner shall comply with all DERM requirements, including operating permit requirements if applicable.
8. That the charter school use shall be limited to grades K through 8. The maximum number of students at the charter school shall not exceed eight hundred (800).
9. That the staggered shifts of arrival and dismissal for students at the charter school shall be as follows:

Arrival	7:30 AM to 8:00 AM	K - Grade 2:	(approx 268 Students)
Dismissal	1:30 PM to 2:00 PM	K - Grade 2:	(approx 268 Students)
Arrival	8:00 AM to 8:30 AM	Grades 3 - 5:	(approx 268 Students)
Dismissal	3:00 PM to 3:30 PM	Grades 3 - 5:	(approx 268 Students)
Arrival	8:30 AM to 4:00 PM	Grades 6 - 8:	(approx 264 Students)
Dismissal	3:30 PM to 4:00 PM	Grades 6 - 8:	(approx 264 Students)

10. That the Owner 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 the Developmental Impact Committee Executive Council Meeting, which took place on October 19, 2011 for consideration of this application and incorporated herein as Exhibit B to this Declaration.
11. That the Owner obtain a Certificate of Use from and promptly renew the same annually with the Department of Permitting, Environmental and Regulatory Affairs, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
12. That the Charter School submit a principal's letter certifying the number of students on an annual basis in order to process the Certificate of Use renewal.
13. That no outside speakers shall be permitted on the Property.
14. That the waste pick-up for the charter school shall be performed by a private commercial entity and shall be limited to pick-up between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except during arrival and dismissal times.
15. That the school gates shall be opened at least 30 to 45 minutes prior to the arrival and dismissal times.
16. That the Charter School shall provide or cause to be provided transportation other than individual passenger vehicles or car pool vehicles to and from the school for up to 120 students.
17. That the Charter School prohibit ingress to the school premises from the west bound lane.
18. That if the Charter School is constructed but fails to begin operation and/or the Charter School fails after establishment, the Owner, within thirty-six (36) months of the Charter School's failure to begin operation or closure, shall:
  - a) Cause the Charter School to be in full compliance with all zoning regulations applicable to the Property allowing a use other than the charter school use, or
  - b) Transfer the operation of the Charter School to another charter school operator or to the Miami-Dade County School Board, after securing the necessary approvals from the Miami-Dade County School Board, or

- c) Convert the Charter School to a permitted use within the zoning district applicable to the Property, provided said use has first been authorized through the issuance of the appropriate permits from the Department, or
- d) Secure necessary public hearing approvals to convert the Charter School to a use not otherwise permitted within the zoning district applicable to the Property.

19. That in order to address compliance with the fire flow level of service included in the Comprehensive Development Master Plan (CDMP), Policy WS-2A 1(b), the applicant shall extend an eight (8) inch water main just south of S.W. 184 Street.

*BE IT FURTHER RESOLVED* that the requested modification of Conditions #2, #10 and #12 of Resolution No. Z-30-06, and last modified by Z-26-07, both 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 "Somerset Academy Charter School" as prepared by Civica, consisting of 8 sheets and dated stamped received 8/18/11.
- 10. That the charter school use shall be limited to Grades K through 8<sup>th</sup> for a maximum of 800 students
- 12. That the staggered shifts of arrival and dismissal for students at the charter school shall be as follows:

Arrival	7:30 AM - 8:00 AM	K-Grade 2	(approx. 268 Students)
Dismissal	1:30 PM - 2:00 PM	K-Grade 2	(approx. 268 Students)
Arrival	8:00 AM - 8:30 AM	Grades 3-5	(approx. 268 Students)
Dismissal	3:00 PM - 3:30 PM	Grades 3-5	(approx. 268 Students)
Arrival	8:30 AM - 9:00 AM	Grades 6-8	(approx. 264 Students)
Dismissal	3:30 PM - 4:00 PM	Grades 6-8	(approx. 264 Students)

*BE IT FURTHER RESOLVED* that the requested modification of Paragraph #15, of a Declaration of Restrictions recorded in Official Record Book 24718, Pages 4115-4144 and last modified by a Second Modification of Declaration of Restrictions, recorded on Official Record Book 25884, Pages 3438-3449 (Item #2), shall read as follows:

15. The charter school shall be limited to grades K through 8. The maximum number of students at the charter school shall not exceed eight hundred (800).

*BE IT FURTHER RESOLVED* that the requested modification of Paragraphs #17 and #19 of an Amendment and Restatement of the Declaration of Restrictions recorded in Official Record Book 25488, Pages 231-243, last modified by a Second Modification of Declaration of Restrictions 25884, Pages 3438-3449 (Item #3), shall read as follows:

17. The charter school shall be limited to grades K - 8. The maximum number of students at the charter school shall not exceed eight hundred (800).

19. That the staggered shifts of arrival and dismissal for students at the charter school shall be as follows:

7:30 AM – 1:30PM K-Grade 2: (approx. 268 Students)  
8:00 AM – 3:00PM Grades 3-5: (approx. 268 Students)  
8:30 AM – 3:30PM Grades 6-8: (approx. 264 Students)

*BE IT FURTHER RESOLVED* that the requested modification of Paragraph #2 of an Amendment and Restatement of the Declaration of Restrictions Recorded at Official Records Books 24718, Pages 4115-4144, as recorded in Official Record Book 25488, Pages 231-243 (Item #4), 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 "Somerset Academy Charter School" as prepared by Civica, consisting of 8 sheets and dated stamped received 8/18/11.

*BE IT FURTHER RESOLVED* that, pursuant to Section 33-6 of the Code of Miami-Dade County, Florida, the County hereby accepts the proffered covenant and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

*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 Permitting, Environment and Regulatory Affairs and to issue all permits in accordance with the terms and conditions of this resolution.

***THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED*** this 8<sup>th</sup> day of December, 2011, 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. 11-12-CC-1  
ej

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

By CHRISTOPHER AGRIPPA  
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 9<sup>TH</sup> DAY OF JANUARY, 2012.