



AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

MEETING DATE: 2019-06-25 10:05 - Regular School Board Meeting

Special Order Request
 Yes No

ITEM No.:
L-2.

AGENDA ITEM: ITEMS

Time

CATEGORY: L. OFFICE OF PORTFOLIO SERVICES

DEPARTMENT: Charter Schools/Management Support

Open Agenda
 Yes No

TITLE:
 First Amendment to Charter School Agreement with Somerset Academy, Inc., on behalf of Somerset Elementary South - 5263

REQUESTED ACTION:
 Approve the First Amendment to the Charter School Agreement with Somerset Academy, Inc., on behalf of Somerset Academy Elementary South - 5263.

SUMMARY EXPLANATION AND BACKGROUND:
 Somerset Academy, Inc., a Florida non-profit corporation, on behalf of Somerset Academy Elementary South - 5263, desires to amend its charter to acknowledge its co-location with Somerset Academy - 5141, for Kinder through third (K-3) grades only for the 2019-2020 school year and subsequent years. A copy of all supporting documents is available at the Charter Schools Management/Support Department on the 12th floor of the K.C.W. Administration Center. A copy of all supporting documents is available online via the Broward County Public Schools eAgenda. See Supporting Docs for continuation of Summary Explanation and Background. This agreement has been reviewed and approved as to form and legal content by the Office of the General Counsel.

SCHOOL BOARD GOALS:
 Goal 1: High Quality Instruction Goal 2: Continuous Improvement Goal 3: Effective Communication

FINANCIAL IMPACT:
 There is no financial impact to the District.

EXHIBITS: (List)
 (1) Continuation of Summary Explanation and Background (2) Somerset Elem South Campus 5263 ES (3) Somerset Elementary South Campus 5263 Agreement (4) Planning and Zoning Board Meeting Minutes (5) Somerset 5263 Colocation Letter

BOARD ACTION:
APPROVED AS AMENDED
 (See Amendment Attached)
(For Official School Board Records Office Only)

SOURCE OF ADDITIONAL INFORMATION:

Name: Donté Fulton-Collins	Phone: 754-321-2135
Name:	Phone:

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
 Senior Leader & Title
Leslie M. Brown - Chief Portfolio Services Officer

Approved In Open Board Meeting On: **JUN 25 2019**
 By: *Heather P. Burkwood*
 School Board Chair

Signature
Leslie M. Brown
 6/3/2019, 2:47:10 PM

L-2 Amendment June 25, 2019 Regular Meeting

Motion to Amend (Carried)

Motion was made by Mrs. Good, seconded by Ms. Korn and carried, to include with the approved First Amendment to the Charter School Agreement with Somerset Academy, Inc., on behalf of Somerset Elementary South – 5263, a letter to the City of Pembroke Pine advising them of the condition in the Planning & Zoning recommendations that afforded them the approval to be at that site.

Continuation of Summary Explanation Background:

Somerset Academy, Inc., a Florida non-profit corporation, on behalf of Somerset Academy Elementary South - 5263, desires to amend its charter to acknowledge its co-location with Somerset Academy – 5141, for Kinder through third (K-3) grades only, for the 2019-2020 school year and subsequent years. The School desires to amend its Agreement to decrease the maximum contract capacity of the Somerset Academy Elementary South Campus – 5263 from 600 to 350 students. The contract capacity of each charter school combined does not exceed the site's certificate of occupancy for the 2019-2020 school year as issued by the municipality.

Pursuant to Section 1002.33, Florida Statutes, the terms and conditions for the operation of a charter school shall be set forth by charter school and The School Board of Broward County, Florida, in a written contractual agreement. This agreement shall constitute a school's charter.

Somerset Academy Elementary South – 5263, is in District 2.

The governing board members of Somerset Academy, Inc., reside in Miami-Dade County.

A copy of all supporting documents is available at the Charter Schools Management/Support Department on the 12th floor of the K.C.W. Administration Center.

A copy of all supporting documents is available online via the Broward County Public Schools eAgenda.

EXECUTIVE SUMMARY

Somerset Academy, Inc.
Somerset Academy Elementary South - 5263

School Name	Somerset Academy Elementary South - 5263
Implementation Year	2018-2019
Location	Pembroke Pines, Florida
District	2
Grades Approved to Serve	K-5
Grades Currently Serving	K-1
Current Enrollment Count	268
Target Population	Neighborhoods surrounding the school
Curriculum Focus	Traditional
School Grade 2017-2018	Not Applicable – New school
School Grade 2016-2017	Not Applicable
School Grade 2015-2016	Not Applicable

The School Board of Broward County, Florida (“Sponsor”) entered into a Charter School Agreement (“Agreement”) with Somerset Academy, Inc. on behalf of Somerset Academy Elementary South Campus - 5263 (“School”) at a Regular School Board Meeting on June 12, 2018, board item L-6. The parties agreed on an Agreement for a five-year period expiring June 30, 2023, which incorporated by reference the School’s Charter Application (“Application”), wherein the School was authorized to operate a charter school, grades K-5 in Broward County, Florida.

The School desires to amend its Agreement to acknowledge its co-location with Somerset Academy - 5141, Kinder through third (K-3) grades only, for the 2019-20 school year and subsequent years. The School desires to amend its Agreement to decrease the maximum contract capacity of the Somerset Academy Elementary South Campus - 5263 from 600 to 350 students. The contract capacity of each charter school combined does not exceed the site’s certificate of occupancy for the 2019-2020 school year as issued by the municipality.

The term of the Agreement shall remain the same, covering five years commencing on July 1, 2018, and ending on June 30, 2023.

Somerset Academy Elementary South Campus – 5263, grades K-5, is located at 19620 Pines Boulevard, Pembroke Pines FL 33029, which is located in District 2. Somerset Academy – 5141, grades Kinder through 3 (K-3) only will be co-locating with the School at 19620 Pines Boulevard, Pembroke Pines FL 33029, which is located in District 2.

The governing board members of Somerset Academy, Inc. reside in Miami-Dade County, Florida.

**Somerset Academy Elementary South Campus - 5263
First Amendment to Charter School Agreement**

FIRST AMENDMENT TO THE CHARTER SCHOOL AGREEMENT

This First Amendment to the Charter School Agreement is made and entered into as of this 25th day of June 2019, by and between:

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA,
a body corporate operating and existing under the laws of the State of Florida
[hereinafter referred to as "Sponsor"],
and having its principal place of business located at
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

SOMERSET ACADEMY, INC.
d/b/a/ Somerset Academy Elementary South Campus - 5263
a Florida not-for-profit organization [hereinafter referred to as "School"],
and having its principal place of business located at
6340 Sunset Drive, Miami, Florida 33143.

WHEREAS, the parties entered into a Charter School Agreement (Agreement) on or about June 12, 2018, which incorporates by reference the School's Charter School Application wherein the School was authorized to operate a charter elementary school, grade levels K-5, known as "Somerset Academy Elementary South Campus - 5263" in Broward County, Florida; and

WHEREAS, Section 2.B.4 of the Agreement permits the amendment of that Agreement during its term through mutual agreement of the parties, provided such modifications are agreed to in writing and executed by both parties; and

WHEREAS, the School desires to amend its Agreement to acknowledge its co-location with Somerset Academy - 5141, Kinder through third (K-3) grades only; and

WHEREAS, the School desires to amend its Agreement to decrease the maximum contract capacity of the School to 350 students.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and terms herein set forth, the parties agree as follows:

1.01 Recitals: The foregoing recitals are true and correct and are incorporated within this Agreement by reference.

1.02 Amendments: The following portion of the Charter School Agreement shall be amended to provide as follows:

**Somerset Academy Elementary South Campus - 5263
First Amendment to Charter School Agreement**

Section 4.A: **Eligible Students:** The School shall enroll all eligible students in accordance with Section 1002.33(10), Florida Statutes, up to the maximum school enrollment capacity approved by the Sponsor through its approval of this Agreement. Furthermore, the School's enrollment capacity is reduced from 600 students to a maximum of 350 students. The School's maximum enrollment is 350 students. The School shall not be eligible for or receive funds for enrollment beyond the maximum enrollment capacity provided herein. The parties agree that the approved school enrollment capacity is the minimum enrollment that will support the School's operations at an adequate level under its approved budget. If the School fails to achieve the minimum school enrollment capacity as provided herein by the October FTE reporting period, such shall be considered good cause for termination or non-renewal for failure to meet generally accepted standards of the school management as provided in Section 1002.33(8)(a)(2), Florida Statutes, unless the School provides the Sponsor a revised and balanced budget within sixty (60) days of October FTE reporting period. A student may not be transferred by the School to another charter school or district school except upon prior written consent of the student's parent/guardian or of the student (if an adult). The School agrees that any transfer or withdrawal of students shall be conducted in accordance with the Sponsor's student transfer and withdrawal policies and procedures. Parents may withdraw a student from the School at any time. In such event, the student shall either return to the student's regularly assigned district school or to another school with an appropriate program.

Section 6.C.4: **Shared Use of a Facility with Other Entities:** The School shall disclose to the Sponsor the identity of any entity with whom it will share the facility or space or share any temporary facility during the term of this Agreement. The School shall disclose the names of the co-located entities to the parents of all students enrolled in the school annually in writing and will place the names of the other entities on its state mandated website. Shared use of a facility requires an amendment to the charter agreements of all co-located schools.

Section 6.C.4.a: **Entity Disclosure:** The School, located at 19620 Pines Boulevard, Pembroke Pines, Florida, 33029, will co-locate with Somerset Academy - 5141, Kinder through third (K-3) grades only. The School shall enroll all eligible students in accordance with Section 1002.33(10), Florida Statutes. The School's enrollment capacity is reduced to a maximum of 350 students. The School's enrollment at any time, when combined with the enrollment of any other co-located schools, may not exceed the current building capacity established by the applicable certificate of occupancy. If the combined enrollment of the co-located schools should exceed the building capacity established by the applicable certificate of occupancy, Sponsor may terminate the charter school agreement of each of the co-located schools for good cause.

1.03 Order of Precedence Among Agreement Documents: In the event of a conflict between the provisions of the agreement and the provisions contained herein, the provisions of the following documents shall take precedence in this order:

- (a) First Amendment to the Charter School Agreement; then
- (b) The Charter School Agreement; and
- (c) The Charter Application.

1.04 Other Provisions, as Amended, Remain in Force: Except as expressly provided herein, all other portions of the agreement remain in full force and effect.

**Somerset Academy Elementary South Campus - 5263
First Amendment to Charter School Agreement**

1.05 Authority Each person signing the First Amendment to the Charter School Renewal Agreement on behalf of either party individually warrants that he or she has full legal power to execute this First Amendment to the Charter School Renewal Agreement.

IN WITNESS WHEREOF, the Parties hereto have executed this First Amendment to Charter School Agreement as of the day and year first above written.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

Somerset Academy Elementary South Campus - 5263
First Amendment to Charter School Agreement



FOR THE SCHOOL

Somerset Academy, Inc.

Attest: _____

Secretary

- or -

Witness

Witness

By: _____

Todd German, Board Chair

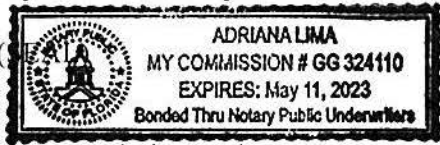
STATE OF Florida

COUNTY OF Miami Dade

The foregoing instrument was acknowledged before me this 29th day of April, 2019
by Todd German of Somerset Academy, Inc.
Name of Person on behalf of the Governing Entity

He/She took an oath and is personally known to me ~~or has produced~~ _____ as
identification.

My commission expires:



My commission expires:

5/11/23

Signature - Notary Public

Adriana Lima
Printed Name of Notary Public

Somerset Academy Elementary South Campus - 5263
First Amendment to Charter School Agreement



(Corporate Seal)

FOR THE SPONSOR

**The School Board of Broward County,
Florida**

By: Heather P. Brinkworth
Heather Brinkworth, Chair

ATTEST:

A handwritten signature in black ink, appearing to read "Robert W. Runcie".

Robert W. Runcie
Superintendent of Schools

Approved as to Form and Legal Content:

A handwritten signature in black ink, appearing to read "Michael J. [unclear]".
05/02/19
Office of the General Counsel

August 24, 2017

The Regular Meeting of the Planning and Zoning Board of the City of Pembroke Pines was called to order by Chairman Rose, at 6:30 p.m., Thursday, August 24, 2017, at the Pembroke Pines City Center, City Commission Chambers, 601 City Center Way, Pembroke Pines, FL. Present to-wit: Chairman Rose, Vice Chairman Jacob, Members Girello, Gonzalez, and Alternate Member Taylor. Absent: Member Monroig and Alternate Member Lippman. Also present: Michael Stamm, Jr., Planning and Economic Development Director; Joseph Yaciuk, Planning Administrator; Dean Piper, Zoning Administrator; Brian Sherman, Assistant City Attorney, and Secretary McCoy.

Secretary McCoy declared a quorum present.

Chairman Rose stated that Alternate Member Taylor will be a voting member for this evenings meeting.

SUBMISSION OF LOBBYING DISCLOSURE FORMS:

Vice Chairman Jacob submitted a lobbying disclosure form in reference to the Target Center variance requests.

APPROVAL OF MINUTES:

On a motion by Member Girello, seconded by Vice Chairman Jacob, to approve, the minutes of the August 10, 2017 meeting, the following vote was recorded:

AYE: Chairman Rose, Vice Chairman Jacob
Members Girello, Gonzalez, Alternate Member Taylor

NAY: None

Motion Passed

NEW BUSINESS:

QUASI-JUDICIAL ITEMS:

(Secretary's Note: All affected parties were sworn under oath to give testimony in the relevant cases by the Assistant City Attorney.)

Chairman Rose noted for the record that agenda item numbers 1 and 2 are related. He requested to hear both items at this time.

It was the consensus of the Planning and Zoning Board members to hear these items at the same time.

1. **ZV 2017-16, Target Center**, generally located on the northwest corner of Pines Boulevard and Hiatus Road, variance request.
2. **ZV 2017-17, Target Center**, generally located on the northwest corner of Pines Boulevard and Hiatus Road, variance request.

Chairman Rose advised that these are quasi-judicial matters. If the petitioner and affected parties are here and want to make a presentation they may. If not, the City will include the staff report and agenda materials as back up and provide staff members for cross examination if the petitioner chooses to do so.

Dwayne Dickerson, attorney representing the petitioner, waived his right to the quasi-judicial proceedings.

Mr. Dickerson addressed the Planning and Zoning Board. He gave a brief overview of the proposed variance requests.

The following summary was entered into the record:

Project Summary:

Dwayne Dickerson (as agent) is requesting variances for Target Center, generally located on the northwest corner of Pines Boulevard and Hiatus Road. The variances being requested are (ZV 2017-16) to allow three ground box signs (monument signs) instead of the allowed 2 ground box signs (monument signs) and (ZV 2017-17) to allow the additional ground box (monument sign) to be separated by 197' instead of the required 500'.

Variance Request Summaries:

Application	Code Section	Required/Allowed	Request
ZV 2017-16	155.324(C)1(l)(1)(5)(a)(b)	Two (2) ground box signs (monument signs)	Three (3) ground box signs (monument signs)
ZV 2016-17	155.324(C)1(l)(1)(7)	All additional ground box signs shall be separated by a minimum of 500 feet.	Allow the additional ground box (monument sign) to be separated by 197'

Variance Request Details:

ZV 2017-16) Allow three ground box signs (monument signs) instead of the allowed 2 ground box signs (monument signs).

Code Reference: § 155.324 PERMANENT SIGNS.

(C) Business Zoning Districts.

(1) Shopping center signs. A uniform sign plan shall be required by the city for all attached tenant wall signs within shopping centers. The uniform sign plan shall be submitted as both 8.5 inch by 11 inch hard copy and in electronic format. Uniform sign plans shall:

l) Ground box signs.

1. Unless otherwise provided for herein, shopping centers shall be entitled to one ground box sign.

5. One additional shopping center ground box signs shall be permitted if:

a. The shopping center fronts on two main thoroughfares of at least secondary arterial designation (80 feet right-of-way): or

b. The shopping center has a minimum 1,500 lineal feet of frontage along a single thoroughfare.

ZV 2017-17) Allow the additional ground box (monument sign) to be separated by 197'.

Code Reference: § 155.324 PERMANENT SIGNS.

(C) Business Zoning Districts.

(1) Shopping center signs. A uniform sign plan shall be required by the city for all attached tenant wall signs within shopping centers. The uniform sign plan shall be submitted as both 8.5 inch by 11 inch hard copy and in electronic format. Uniform sign plans shall:

l) Ground box signs.

1. Unless otherwise provided for herein, shopping centers shall be entitled to one ground box sign.

7. All additional ground box signs shall be separated by a minimum of 500 feet.

Variance Determination:

The Planning and Zoning Board shall not grant any variances, permits, or make any decision, finding, and determination unless it first determines that:

Its decision and action taken is in harmony with the general purposes of the zoning ordinances of the city and is not contrary to the public interest, health, or welfare, taking into account the character and use of adjoining buildings and those in the vicinity, the number of persons residing or working in the buildings, and traffic conditions in the vicinity.

In the granting of variances, the Planning and Zoning Board shall determine that the variance granted is the minimum variance that will accomplish the intended purpose (stated above) and:

- A) That there are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances are peculiar to the land or building and do not apply generally to land or buildings in the neighborhood, and that the strict application of the provisions of the zoning ordinances would result in an unnecessary hardship and deprive the applicant of the reasonable use of the land or building; or
- B) That any alleged hardship is not self-created by any person having an interest in the property nor is the result of a mere disregard for or in ignorance of the provisions of the zoning ordinances of the city; or
- C) That granting the variance is not incompatible with public policy, will not adversely affect any adjacent property owners, and that the circumstances which cause the special conditions are peculiar to the subject property.

Chairman Rose inquired if there was anyone from the public who wished to speak either for or against this item. No one wished to speak.

The following members of the Planning and Zoning Board spoke:

Chairman Rose, Vice Chairman Jacob, Members Girello, Gonzalez

The following members of staff spoke:

Dean Piper, Zoning Administrator

The following member of the public spoke:

Dwayne Dickerson, attorney representing the petitioner

Dwayne Dickerson, attorney representing the petitioner, voluntarily agreed to cap the height at less than 7.5 feet, cap at less than 24 square feet, and only allow two tenants on the sign.

On a motion by Vice Chairman Jacob, seconded by Member Girello, to grant, as

determined by variance criteria "C", ZV 2017-16 to allow three ground box signs (monument signs) instead of the allowed 2 ground box signs (monument signs), the following vote was recorded:

AYE: Chairman Rose, Vice Chairman Jacob
Members Girello, Alternate Member Taylor

NAY: Member Gonzalez

Motion Passed

On a motion by Vice Chairman Jacob, seconded by Member Girello, to grant, as determined by variance criteria "C", ZV 2017-17 to allow the additional ground box (monument sign) to be separated by 197', the following vote was recorded:

AYE: Chairman Rose, Vice Chairman Jacob
Members Girello, Alternate Member Taylor

NAY: Member Gonzalez

Motion Passed

CHANGE ORDER OF BUSINESS:

Chairman Rose requested to change the order of business and hear agenda item number 5 at this time.

It was the consensus of the Planning and Zoning Board to change the order of business and hear agenda item number 5 at this time.

NEW BUSINESS:

NON-QUASI-JUDICIAL ITEMS:

5. **MSC 2017-17, Don Pepe's Restaurant**, 7900 Pines Boulevard, addition of outdoor dining, miscellaneous request.

Humberto Nieto, the petitioner, addressed the Planning and Zoning Board. He gave a brief overview of the proposed miscellaneous request.

The following staff report was entered into the record:

Humberto Nieto, agent, is requesting miscellaneous plan approval for the addition of an outdoor dining area for the Don Pepe restaurant at Big Lots Plaza, generally located on the southeast corner of Pines Boulevard and University Drive.

The applicant is proposing the addition of an outdoor dining area at the restaurants existing patio area at the front of the building. The outdoor dining area will be enclosed by 42" bronze railing. The space will enclose approximately 1,153 SF of outdoor dining area, leaving the entrance of the restaurant (34'-6 1/2") clear for pedestrian access.

The applicant will add 46 new seats to the outdoor dining area. Based on existing tenant mix with the addition of the outdoor dining area, total parking required is 486 spaces where 505 are provided throughout the shopping center.

Environmental Services staff reviewed the plan and recommends bollards to be placed to protect the dining area patrons from vehicles. Therefore staff recommends approval of this application subject to satisfaction of environmental services comments prior to issuance of a building permit.

Staff Recommendation: Approval, subject to the applicant providing of protective bollards for this use to the satisfaction of Environmental Services comments prior to issuance of a building permit.

Chairman Rose inquired if there was anyone from the public who wished to speak either for or against this item. No one wished to speak.

The following members of the Planning and Zoning Board spoke:

Vice Chairman Jacob, Alternate Member Taylor

The following member of the public spoke:

Humberto Nieto, the petitioner

On the motion by Vice Chairman Jacob, seconded by Member Gonzalez, to approve, as recommended by staff, the Don Pepe's Restaurant (MSC 2017-17) miscellaneous request, the following vote was recorded:

AYE: Chairman Rose, Vice Chairman Jacob
Members Girello, Gonzalez, Alternate Member Taylor

NAY: None

Motion Passed

RESUME ORDER OF BUSINESS:

3. SP 2017-14, Somerset Academy South, 19620 Pines Boulevard, site plan amendment with special exception.

Chairman Rose noted for the record that he is on the State of Florida Consortium Charter Schools Board and he also chairs the Parents for Charter Schools Board. He clarified there is no compensation from Somerset Academy and there is no conflict of interest.

Chairman Rose advised that this is a quasi-judicial matter. If the petitioner and affected parties are here and want to make a presentation they may. If not, the City will include the staff report and agenda materials as back up and provide staff members for cross examination if the petitioner chooses to do so.

Rolando Llanes, architect representing the petitioner, waived his right to a quasi-judicial proceeding.

Mr, Llanes noted for the record that this item and agenda item number 4 are related and will have an effect on the overall plan for the school.

Chairman Rose requested that the items be presented together.

Mr. Llanes addressed the Planning and Zoning Board. He gave a brief overview of the proposed site plan amendments.

The following staff report was entered into the record:

Civica Group, agent for Somerset Academy, is requesting a site plan amendment with special exception to convert the existing building on site into a K-8 charter school with associated parking, landscape, signage, and traffic circulation changes. The proposed Somerset Academy South campus is located at 19620 Pines Boulevard.

Background and Proposed Use

The proposed site had been previously approved and constructed as a 57,300-square foot multi-purpose building (FKA 196 Plaza). A portion of the building recently housed a school use. Somerset is under contract to purchase the property and plans to convert the site into a K-8 campus.

Site Plan

The proposed site plan consists of improvements to fully repurpose this site into a school campus. Improvements include the following:

- Site changes –
 - Removal of parking along the existing paving on the northeast side of the property to accommodate a student pick up / drop off area, an artificial turf play area, and a proposed sport court. In addition, modifications to the parking lot to the south of the existing building to create a bus staging lane with protective bollards.
- 94 parking spaces will remain on site where 78 spaces are required based on State Law (SREF)
 - Fire hydrant and fire department connection relocations as required by the Fire Prevention Bureau. Addition of fire lanes as required.
 - The installation of a 6-foot high perimeter fencing and gates to secure the campus
- Gates to be located within the northern parking drive aisles to secure the site during off-hours.
 - Associated landscape changes because of the proposed changes. Most existing landscape will remain.
- Trees and shrubs have been added around the building
 - New trees include Wild Tamarind, Royal Palms, Montgomery Palms, and White Birds of Paradise.
 - Building Changes
- Interior improvements to convert the building into classrooms, cafeteria facilities, and administration offices.

- The addition of a building sign which reads, "Somerset Academy" in silver pin mounted lettering on each the north and south building elevation. Current Code allows for up to 120 square feet of signage for this freestanding site. No monument sign is proposed at this time.
- No changes are proposed to the building architecture or colors as part of this application.

Special Exception

Section 155.283 of the Code of Ordinances requires schools to seek special exception approval for the establishment of new schools. Special exception approval for schools may be granted by the Planning and Zoning Board.

The applicant provides a letter addressing the City standards of approval for a Special Exception application:

Standard: The proposed use is compatible with the existing natural environment and community character of the properties within the immediate neighborhood.

Applicant Reply: The proposed use will be an expansion to an already approved existing educational facility that was previously approved by the Municipality.

Staff Comment: The site has been used as a school in the past. The proposed school use is compatible with the underlying land use and zoning designations. The school will have the ability to serve the surrounding neighborhood. Somerset Academy currently operates a successful campus within the City. This school will help to alleviate demand on the north campus.

Standard: The proposed use is deemed desirable for public convenience, and not injurious or otherwise detrimental to the public health, safety, comfort, and welfare.

Applicant Reply: The use is deemed desirable and provides much needed student stations to the community.

Staff Comment: School use is permitted in the B-3 zoning district within the City. Somerset Academy currently operates two successful campus in Pembroke Pines and is opening this campus to help alleviate increasing enrollment.

Standard: The design of the proposed use shall minimize adverse effects, including noise, light, dust, or other potential nuisances, of the proposed use on adjacent property through the use of building orientation, setbacks, buffers, landscaping, and other design criteria consistent with the city regulations to the greatest extent possible. Entire site shall be void of any pre-existing code violations.

Applicant Reply: The site plan proposes additional Landscape buffers as well as newly improved landscape design.

Staff Comment: The proposed building currently exists and only minor modifications are being made to the site. The current building and site meets all setback, buffer, and landscape requirements. The school plans to enhance the internal landscape on the property as part of this application.

Standard: There are adequate parking areas and off-street truck loading spaces (if applicable) consistent with the parking requirements of the Code, and the layout of the parking and vehicular use areas is convenient and conducive to safe and efficient operation consistent with the city standards to the greatest extent possible.

Applicant Reply: There is surplus parking for this site and has no parking limitations.

Staff Comment: The proposed school parking meets State of Florida standards for parking of Charter Schools. Both the Traffic Study and the Traffic Operations Plan have been reviewed and accepted by the Development Review Committee (DRC).

Standard: There will be adequate provisions for traffic movement, both vehicular and pedestrian internal to the use and adequate measures exist or shall be taken to provide ingress and egress to the proposed use, for both vehicles and pedestrian, in a manner that minimizes traffic congestion in the public streets, and the use may not result in a significantly greater amount

of traffic on local streets than would result from a development permitted by right, performed through use of a traffic study.

Applicant Reply: The school has complied with all provisions set by the City of Pembroke Pines through Traffic Study Analysis and Traffic Operations Plan submitted by their Traffic Engineer and reviewed by City of Pembroke Pines.

Staff Comment: City staff has reviewed the proposed traffic study and traffic operations plan and has no objections.

Standard: The land area must be sufficient, appropriate and adequate for the use and for any reasonably anticipated expansion thereof.

Applicant Reply: The proposed use will be an expansion to an already approved educational facility that was previously approved by the Municipality.

Staff Comment: The proposed school plan property exceeds minimum size requirements as established within the code. The site also complies with all zoning Code related requirements as required by the Code. Any expansion of this use would require future staff review and Board approvals.

Traffic Study / Traffic Operations Plan:

As part of the special exception process, the applicant is required to provide staff with a traffic analysis of the surrounding roadways. The provided traffic analysis shows the impacts on each adjacent roadways and intersections during peak periods. It should be noted that traffic impacts on the adjacent roads are significantly reduced during school hours and the release times are much earlier than standard peak PM times. Furthermore, schools typically generate no trips on weekends unless there is an extracurricular event taking place. Highlights to the associated traffic operations plan for the south campus include the following:

- The applicant agreed to restrict the property to a maximum cap of 1,000 students.

- Somerset will predominately house students from grades K-3. This new campus is designed to relieve the existing north campus at 20801-20805 Johnson Street which will now predominantly serve grades 4-12.
- Somerset has acknowledged that any increase in number of students from this cap would need to be reviewed and approved by the City through the special exception process. By providing this age range on campus, Somerset believes that the time for pickup and drop off will move faster most of the students of this age need less time to load.
- Ingress to this site will be provided only from the existing drive off 196th Avenue. Egress will be permitted from the school from both existing openings Pines Boulevard and 196th Avenue.
- The provision for staggered start times with analysis of loading times:
 - Loading time Shift #1 – 8:00 AM
 - 600 students expected – 492 private automobiles* - Estimated 20 minutes for shift #1
 - Loading Shift #2 (Drop-off) – 8:30 AM
 - 400 students expected – 328 private automobiles* - Estimated 12 minutes for shift #2

*It is presumed within the study that 18% of the children will arrive via bus or private van.

- Elementary school stacking on site allows for up to 47 vehicles from pickup / drop off area (See page A1) to 196th Avenue.
- Applicant provides a study which shows observations from an equivalent school (Miami Heritage School – 600 students). The analysis shows that the 47 spaces of stacking proposed for the Somerset South site is in line with the maximum stacking numbers shown at this school.
- Gates on site will open 30-45 minutes before the earliest start of school.
- Plan designation of pickup / drop off areas on site.
- Provisions providing for police, crossing guard and on-site traffic control personnel during pickup/drop off.
- Designation of employee parking in areas in certain parking areas which would severely restrict on-site stacking.

Staff has reviewed the site plan improvements and the traffic analysis provided by the applicant and has no objections. Staff therefore recommends approval of this application.

Staff Recommendation: Approval, subject to the following:

1. Somerset agreeing to work with the City to re-evaluate the Traffic Operations Plan should modifications need to be made post implementation. This would occur if the proposed traffic operations plan was found by staff to not be effective in relieving congestion on public roads.

2. Each building sign to be limited to 60 square feet in area.

Chairman Rose inquired if the petitioner accepts staff recommendations.

Rolando Llanes, architect representing the petitioner, answered in the affirmative.

Chairman Rose inquired if there was anyone from the public who wished to speak either for or against these items.

The following members of the Planning and Zoning Board spoke:

Chairman Rose, Vice Chairman Jacob
Members Girello, Gonzalez, Alternate Member Taylor

The following members of staff spoke:

Michael Stamm, Jr., Planning and Economic Development Director
Brian Sherman, Assistant City Attorney

The following members of the public spoke:

Rolando Llanes, architect representing the petitioner
Bill Kersbergen, resident Chapel Trail
Maribel Marin, resident of Pembroke Pines and parent of Somerset Academy student
Natalie Bieule, resident of Pembroke Pines and parent of Somerset Academy student
Matthew Bieule, resident of Pembroke Pines and parent of Somerset Academy student
Fiolina Burnett, resident of Pembroke Pines and parent of Somerset Academy student
Isabel Gonzalez, resident of Pembroke Pines and parent of Somerset Academy student
Bernardo Montero, principal of Somerset Academy

Bernardo Montero, principal Somerset Academy stated for the record he will voluntarily reach out to the homeowner association and residents of Chapel Trail to open dialog on their traffic concerns and how the school is planning to address them.

He also stated that he will encourage the use of the bus depot by the students once the property has been purchased.

On the motion by Member Girello, seconded by Member Girello, to approve, as recommended by staff, the Somerset Academy South site plan amendment (SP 2017-14) and

special exception; subject to a cap of 1,000 students and the petitioner submitting traffic / bus user ship reports to staff, the following vote was recorded:

AYE: Chairman Rose, Vice Chairman Jacob
Members Girello, Gonzalez, Alternate Member Taylor

NAY: None

Motion Passed

NEW BUSINESS:

NON-QUASI-JUDICIAL ITEMS:

4. **SP 2017-15, Somerset Academy North**, 20801 – 20805 Johnson Street, site plan amendment.

The following staff report was entered into the record:

Civica Group, agent for Somerset Academy, is requesting a site plan amendment to the existing school site located at 20801- 20805 Johnson Street. The following items are proposed as a result of this application:

1. The creation of a traffic operations plan as requested by staff in order to maximize recently updated parking lot updates on site and establishing a student cap of 2,900 students for this campus.
2. The addition of recreational equipment, a scoreboard, fencing/gates, and canvas awnings on the site.

Proposed Traffic Operations Plan

The City has been working with Somerset to alleviate some of the stacking issues that have been created as this school has grown. In order to address these concerns, Somerset recently installed a new drive aisle at the north side of the site which connects both existing parking lots. This improvement effectively allowed for significant continuous stacking storage on site.

Civica Group, at the request of staff, provided the Board with a Traffic Operations Plan as well as a traffic study as part of this application. A Traffic Operations plan would be required for all new schools within the City as per recent City Ordinance.

Highlights to the traffic operations plan for the north campus include the following:

- The applicant agreed to restrict the property to a maximum cap of 2,900 students with an expectation that the students will predominantly consist of 4th grade through 12th grade students.
 - Somerset has acknowledged that any increase in number of students from this cap would need to be reviewed and approved by the City. By providing this age range on campus, Somerset believes that the time for pickup and drop off will move faster most of the students of this age need less time to load.
- K-3rd grade will attend school at the proposed South Campus on Pines Boulevard and 196th Avenue. The proposed South Campus site plan is on consideration at tonight's meeting.

Since Somerset Academy North site plan was approved prior to the passage of the School ordinance, they were not required to provide a student enrollment cap to the City. Somerset's enrollment has steadily increased over the years as the school continues to be designated as high performing per State Charter School regulations. Somerset Academy occupancy currently is only limited by life safety requirements. By comparison, Civica Group confirmed to planning staff that the maximum fire occupancy load for Somerset Academy North campus is currently 3,965 people.

- The provision for staggered start times with analysis of loading times:
 - Middle/High School – 8:00 AM to 3:00 PM.
- 2000 students expected – 1,640 private automobiles* - Estimated 34 minutes for entire AM drop off cycle.
- Middle/High school stacking on site allows for up to 100 vehicles from pickup / drop off area (See figure 4 of traffic study). The school site is able to hold over 250 cars throughout the entire queue (incoming stacking plus outbound traffic).
 - Elementary School – 8:30 AM to 2:30 PM.
- 900 students expected – 738 private automobiles* - Estimated 15 minutes for entire AM drop off time.
- Elementary school stacking on site allows for up to 135 vehicles to furthest pickup / drop off area (See figure 3 of traffic study). The school site is able to hold over 250 cars throughout the entire queue (incoming stacking plus outbound traffic).
- Morning drop off times have been designed to not conflict with nearby West Broward High School which currently begins school at 7:30 AM.
- Gates on site will open 30-45 minutes before the earliest start of school.
- PM pickup cycles will result in smaller populations of students leaving school at the same time due to after school activities.

*It is presumed within the study that 18% of the children will arrive via bus or private van. Separate bus pick up and drop off areas are provided at the south end of the property which are separated from the car queue.

- Plan designation of pickup/ drop off areas on site.
- Provisions providing for police, crossing guard and on site traffic control personnel during pickup/drop off.
- Designation of employee parking in areas in certain parking areas which would severely restrict on-site stacking.
- A recommendation to place a no U-turn sign near a turnaround to the west of the school on Johnson Street. The no U-turn on Johnson will reduce trips onto 208 Avenue during pick up / drop off hours.
- A recommendation to place a NO THRU TRAFFIC sign on NW 4 Street, east of 208 Avenue and west of 202 Avenue to discourage cars from using residential NW 4th Street to access the school.
- Somerset suggests police enforcement of the no U-turn and no thru street signs as stated above by police personnel for the first two weeks of implementation of these policies.

Proposed On Site Additions:

- The addition of sports field equipment to include bleachers, scoreboard and sports courts. No site lighting is proposed as part of this application.
 - Bleachers to be located directly south of the existing football field.
 - Bleachers to be placed atop a concrete slab.
 - Bleachers to be covered by a blue shade structure.
 - Bleacher Area +-165' long = 387 seating capacity.
 - Shade structure (147 feet long be approximately 20 feet high.
 - Scoreboard to be located at the northwest corner of the site
 - Scoreboard to be electronic LED type.
 - Scoreboard dimensions 8 feet high, 24 feet wide.
 - Scoreboard to be 16'-0" high (Max height including columns)
 - Scoreboard to face eastward.
 - Two sports courts with basketball goals located in a current grassed area to the west of existing building "B" and south of the existing cafeteria.
 - 6 foot high, green vinyl coated chainlink fence with manual gates, installed at two locations at the north side of the property as depicted on the proposed site plan.

- o The installation of approximately 900 lf of blue canvas pedestrian awning along segments of the eastern sidewalks of the property. Canvas awning to match specifications of existing awning extending east from building B. The addition of a similar canvas awning to the west of building "D".

City staff has reviewed the overall proposed site plan amendment request with associated traffic study and has no objections.

Staff recommendation: Transmit to the City Commission with a favorable recommendation subject to the following:

1. City Commission approval for development within the Chapel Trail PUD.
2. Somerset Academy commit to the installation and enforcement of no U-turn sign on Johnson Street and NO THRU TRAFFIC signs on NW 4 Street subject to review and approval of the City Engineering Division.
3. Somerset Academy commit to providing for a police presence at the Johnson Street turn around and NW 4th Street locations for the first two weeks of implementation of this traffic plan. Materials should also be provided to the students and parents from the school explaining the new traffic circulation patterns.
4. Somerset agree to work with the City to re-evaluate the Traffic Operations Plan should modifications need to be made post implementation. This would occur if the proposed traffic operations plan was found by staff to not be effective in relieving congestion on public roads.

Chairman Rose inquired if the petitioner accepts staff recommendations.

Rolando Llanes, architect representing the petitioner, answered in the affirmative.

On a motion by Member Girello, seconded by Alternate Member Taylor, to transmit, as recommended by staff, the Somerset Academy North (SP 2017-15) site plan amendment, to the City Commission with a favorable recommendation; subject to a cap of 2,900 students, installation of do not block intersection signs, and the petitioner submitting traffic / bus user ship reports to staff, the following vote was recorded:

AYE: Chairman Rose, Vice Chairman Jacob
Members Girello, Gonzalez, Alternate Member Taylor

NAY: None

Motion Passed

OLD BUSINESS ITEMS AT THE REQUEST OF THE BOARD:

Chairman Rose stated that Member Monroig and Alternate Member Lippman have both requested an excused absence.

On a motion by Member Girello, seconded by Vice Chairman Jacob, to excuse Member Monroig and Alternate Member Lippman from this evenings meeting, the following vote was recorded:

AYE: Chairman Rose, Vice Chairman Jacob
Members Girello, Gonzalez, Alternate Member Taylor

NAY: None

Motion Passed

ITEMS AT THE REQUEST OF THE BOARD:

ITEMS AT THE REQUEST OF STAFF:

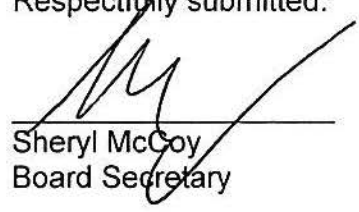
ITEMS AT THE REQUEST OF THE PUBLIC:

ADJOURN:

Chairman Rose adjourned the meeting at 9:15 p.m.

ADJOURNED:
9:15 P.M.

Respectfully submitted:



Sheryl McCoy
Board Secretary

PLANNING AND ZONING BOARD

ACTION SUMMARY

August 24, 2017

CASE NO.	DESCRIPTION	Action
ZV 2017-16	Target Center , generally located on the northwest corner of Pines Boulevard and Hiatus Road, variance request. (Dean)	Granted, as determined by variance criteria "", to allow three ground box signs (monument signs) instead of the allowed 2 ground box signs (monument signs). NOTE: The petitioner voluntarily agreed to limit the height to no more than 7.5 feet, the total square feet to no more than 24, and allowing only two tenants on the sign.
ZV 2017-17	Target Center , generally located on the northwest corner of Pines Boulevard and Hiatus Road, variance request. (Dean)	Granted, as determined by variance criteria "", to allow the additional ground box (monument sign) to be separated by 197'.
SP 2017-14	Somerset Academy South , 19620 Pines Boulevard, site plan amendment with special exception. (Joseph)	Approved as recommended by staff; and with special exception; subject to a cap of 1,000 students and the petitioner submitting traffic / bus user ship reports to staff.
SP 2017-15	Somerset Academy North , 20801 – 20805 Johnson Street, site plan amendment. (Joseph)	Transmit, as recommended by staff, to the City Commission with a favorable recommendation; subject to a cap of 2,900 students, installation of do not block intersection signs, and the petitioner submitting traffic / bus user ship reports to staff.
MSC 2017-17	Don Pepe's Restaurant , 7900 Pines Boulevard, addition of outdoor dining, miscellaneous request. (Joseph)	Approved as recommended by staff.



THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

600 Southeast Third Avenue • Fort Lauderdale, Florida 33301 • Office: 754-321-2600 • Fax: 754-321-2701

ROBERT W. RUNCIE
Superintendent of Schools

The School Board of
Broward County, Florida

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Lori Alhadef
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Nora Rupert

June 26, 2019

Honorable Frank C. Ortis
City of Pembroke Pines
601 City Center Way
Pembroke Pines, Florida 33025

Dear Mayor Ortis:

This letter is to inform you that on June 25, 2019, The School Board of Broward County, Florida, approved Somerset Academy, Inc., to co-locate two of their charter schools in the city of Pembroke Pines. The two schools co-locating are Somerset Elementary South – 5263 and Somerset Academy – 5141.

Somerset Academy, Inc., has provided the District with the following as the address for both schools:

19620 Pines Boulevard
Pembroke Pines, Florida 33029

The combined maximum student capacity for both schools at this location is 1,000 students.

I am sharing this information as it may be helpful for your future planning. If you have any questions concerning charter schools in Broward County, Florida, please contact Donté Fulton-Collins, **Director, Charter Schools Management/Support Department, at 754-321-2135.**

Sincerely,

Robert W. Runcie

RWR/LMB/DFC:ac

C: School Board Members
Leslie M. Brown, Portfolio Services Officer
Donté Fulton-Collins, Director, Charter Schools Management/Support Department
Charles F. Dodge, City Manager, City of Pembroke Pines
The City of Pembroke Pines Commission