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## Charter schools, cities clash over zoning

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Some people wish everyday was Sunday. They probably don't live near a church.

Now, in Coral Gables, the traffic and crowds that come from having a house of worship as a neighbor is entering a new realm — and it's not exactly heavenly. A heated battle has brewed as University Baptist Church, located in a mostly residential neighborhood, allows a charter school to operate on its property. (Disclosure: I live about a mile from the site.)

The fight is a loud echo of similar charter-school battles taking place throughout the region. In the Brickell neighborhood, some residents have clashed with Mater Academy over plans for a school that could house almost 1,700 students. Cooper City commissioners last year, citing traffic concerns, denied a charter school's zoning request even though the school met the land-use requirements.

Increasingly, the debate over charter schools is less about education and more about zoning and land use.

Clashes between neighbors and schools, which often bring an onslaught of traffic, are nothing new. But charter schools are bringing a unique twist to the debate.

One reason is that charter schools often are run by private organizations that operate under the auspices of the local school board but with greater administrative freedom. To make sure the school is financially viable, charter schools need to have a minimum number of students.

Another reason: State law in some cases allows charter schools to usurp local zoning rules, priming the pump for a battle.

In creating charter schools, the state Legislature specified that "library, community service, museum, performing arts, theatre, cinema, church, community college, college, and university facilities may provide space to charter schools within their facilities under their preexisting zoning and land use designations."

It's a rule painfully discovered several years ago by neighbors of Sarasota Suncoast Community Church. When the church leased space to Sarasota Suncoast Academy, local officials refused to permit the charter school to operate from the church location. The school sued and won.

The upshot: Zoning boards and comprehensive plans can't prohibit the above facilities from housing charter schools.

Unless the state changes the rules, the law is sure to bring more similar battles throughout

the state.

In Coral Gables, where a public meeting on the issue is scheduled for Wednesday, the battle is becoming particularly heated. Somerset Academy wants to operate a 675-student school at the church. The church, which has a pre-school, is allowed to have 110 students.

When the city refused to allow the larger student body, Somerset tried to use the Sarasota case to convince a judge that the school didn't need the city's zoning approval and could have more students. Last summer, Circuit Judge Jennifer Bailey sided with the city.

Now Somerset wants to rezone the site to a new designation — community services and facilities, which not only would allow the larger student body but also would clear the way for anything from state and federal facilities to medical centers to one day be built in the residential neighborhood.

Somerset has brought out the big guns: Among its lobbyists is State Rep. Erik Fresen, vice-chair of the pre-K-12 appropriations subcommittee.

Lobbyists. Money. Law suits.

Attending church and school sure isn't what it used to be.

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