

STAFF REPORT

SHORES AT PALMETTO BAY
VPB-15-014



**Village of Palmetto Bay
FLORIDA**

ZONING ANALYSIS

FILE : VPB 15-04

HEARING DATE: June 20, 2016

APPLICANT: Shores at Palmetto Bay, LLC

COUNCIL DIST.: 3

A. GENERAL INFORMATION

REQUEST: Pursuant to Divisions 30-30.5, 3-50.23, and 30-120 for site plan, design considerations, and a 1,000 student K-8 charter school.

ADDRESS: The third parcel from the northeast corner of SW 97th AV and SW 180th ST

LOT SIZE: 5.02 Acres

FOLIO #: 33-5033-000-0860

B. BACKGROUND

The property in question is a 5 acre parcel west of Village Hall. It is the third parcel from the northeast corner of SW 97th Avenue and SW 180th Street. This request only addresses locating a 1,000 student K-8 charter school at the eastern end of the property and includes all right-of-way improvements along the entire perimeter of the 5 acre lot. The remainder of the property will return under a separate application at a later date and will include a mixed use development with residential and retail uses.

The property last received approval on March 17, 2014, for a mixed-use development that included a 1,400 student K-12 charter school, 88 residential units, and 7,288 square feet of ground floor commercial/retail. That approval has since expired. The property is zoned DV, Downtown Village, and is within the FAC, and Village Council is required to hold a public hearing to establish/modify the proposed charter school, to review design considerations under the new DUV code, and adoption of the site plan.

The plan calls for locating the school building along the frontage of the new Park Drive roadway adjacent to Palmetto Bay Park. The school building does not exceed three (3) stories and complies with all required setbacks. The project includes its proportionate share Park Drive build out as well as the lateral connecting streets to Fanjo Road along its north and south property lines. Build-out shall include all required pedestrian and bicycle amenities, on-street parking facilities, and landscaping. The project's is capable of accommodating up to 40 vehicle stacking spaces during school drop-off and pick-up times. Required parking is accommodated through the use of on-street parking and a surface lot west of the school building. The surface lot will serve as the future site of a structured parking facility when the remainder of the property is approved and developed for residential and retail mixed use. Building design is tailored to provide visual breaks in the

façade and recreational facilities are provided for at both the ground and rooftop levels. The project includes public space amenities at its corners and a pedestrian paseo which links up with a similar walkway to the proposed development to the south. The revised project as submitted, date stamped May 18th, 2016, requires no variances to receive development approval.

C. CHARTER SCHOOLS PROCEDURALLY

Division 30-120 requires all requests for charter school to include a valid charter from Miami-Dade County Schools. The applicant has provided documentation of such approval. For point of reference, the School Board of Miami-Dade County (School Board) approval process for charter schools requires three public hearings, the first of which is before the Application Review Committee (ARC) and subsequently two before the Miami-Dade County School Board itself. The first School Board hearing merely accepts the findings and recommendations of the ARC. The second School Board hearing only occurs at such time that the operator is prepared to take possession of the property and commence with school operations. Notwithstanding the aforementioned process, every charter school, up to fifteen days prior to the first day of school, must submit to the Miami-Dade County School District a list of documentation that includes proof of zoning approval, fire inspection reports, certificates of use and/or occupancy, and proof of insurance, just to name a few. Part of that documentation includes a sign-off from the Traffic Engineering Division (TED) of Miami-Dade County Public Works. Without that sign-off or subsequent statement from TED indicating their acceptance of the application, the school will not have complied with the requirements of the Miami-Dade Public School District. In short, school operations cannot commence without the approvals of TED.

The State Legislature enacted several laws that provide charter schools with greater discretion in construction and location than is provided for “traditional” public schools. Further, the Legislature has imposed limits on municipal review of charter school facility applications. The State Legislature has defined “charter school” as public school. [Section 1002.31, Florida Statutes]. Florida Statute Section 1013.33(13), provides, that once a public school facility is determined consistent with the Village’s Comprehensive Plan Land Use Policies, the application may not be denied. However, the municipality may impose reasonable conditions on the development. The municipality “may consider the site plan and its adequacy as it relates to environmental concerns, health, safety and welfare, and effects on adjacent property. Standards and conditions may not be imposed which conflict with those established under Chapter 1013.33, entitled “Educational Facilities,” or the Florida Building Code, unless mutually agreed and consistent with the [Educational Facility] Inter-local Agreement.” Start-up Charter Schools are to comply with the Florida Building Code but are not required to comply with the State Requirements for Educational Facilities. [Section 1002.33(18), Florida Statutes].

Moreover, during the 2011 Legislative session, the Legislature modified Section 1002.33(18)(a), Florida Statutes, entitled “Facilities,” to provide the following restrictions on municipal review of an application:

The local governing authority shall not adopt or impose any local building requirements or site-development restrictions, such as parking and site-size

criteria, that are addressed by and more stringent than those found in the State Requirements for Educational Facilities of the Florida Building Code. Beginning July 1, 2011, a local governing authority must treat charter schools equitably in comparison to similar requirements, restrictions, and processes imposed upon public schools that are not charter schools.

Division 30-120, entitled "Public Charter School Facilities," provides basic review criteria, consistent with the review criteria used by Miami-Dade County's review of public charter school applications. "Traditional" public schools in Miami-Dade County, whether located in the Village of Palmetto Bay, or elsewhere, are subject to the public hearing process, which provides similar review criteria as found in Division 30-120, of the Village Code. The Village's procedures under Division 30-120 provides an equitable review process for Charter Schools located in the Village.

D. ZONING HEARING HISTORY:

On December 14, 2015, the Mayor and Village Council of the Village of Palmetto Bay via Ordinance No. **2015-19**, created DUV Downtown Urban Village zoning provisions, and rezoned the property from MM and MN to DUV.

On March 17, 2014, the Mayor and Village Council of the Village of Palmetto Bay via Resolution No. **2014-30**, approved a mixed use site plan for a 1,400 student K-12 charter school with 88 residential units, and 7,288 square feet of retail space.

On May 20, 2013, the Mayor and Village Council of the Village of Palmetto Bay via Resolution No. **2013-48**, approved a mixed use site plan for a 1,400 student K-12 charter school.

On March 17, 2014, the Mayor and Village Council of the Village of Palmetto Bay via Resolution No. **2011-85**, approved a site plan for a charter 1,400 student K-12 charter school.

On May 1, 2006, the Mayor and Village Council of the Village of Palmetto Bay via Ordinance No. **06-06**, created the Franjo Triangle & US 1 Island Zoning District (FT&I) and rezoned the property from BU-1A to MM and MN.

On March 8, 1984, the Board of County Commissioners of Miami-Dade County via Resolution No. **Z-72-84**, approved a district boundary change from BU-1 and RU-4L to BU-1A. In addition, the Board approved the request to rescind and revoke a special exception for site plan approval, unusual use, and non-use variance previously approved under County Resolution 2-ZAB-512-64.

As County Zoning Resolution **2-ZAB-512-64** was rescinded it is no longer maintained in Miami-Dade County records.

On June 16, 1960, the Miami-Dade County Zoning Commission via Resolution No. **5324**, denied a request for a district boundary change from BU-1, RU-1 and RU-2 to BU-1 and RU-2.

On September 18, 1958, the Miami-Dade County Zoning Commission via Resolution **No. 2108**, denied a district boundary change from AU to BU-3, furthermore the Commission rezoned the eastern 125' of the property to RU-1, the west 250' of the east 375' to R-2 and the remaining balance to BU-1.

On September 11, 1958, the Board of Miami Dade County Commissioners via resolution **No. 2069**, denied a district boundary change from AU to BU-3.

On **May 27, 1959** the Miami Dade County Board of Adjustment granted the Miami Dade County Fire Department an exception of requirements that a commercial building be of masonry construction, to permit the use of an existing wood-frame building subject to a restriction of limiting the use for Fire Department occupancy, and that a permit be issued on a temporary basis subject to review by the Board from year to year.

E. NEIGHBORHOOD CHARACTERISTICS:

ZONING

Subject Property:

DV; Downtown Village

FUTURE LAND USE DESIGNATION

Downtown Urban Village

24 dwelling units per gross acre

Surrounding Properties

NORTH:	DV; Downtown Village	Franjo Activity Center
SOUTH:	DV; Downtown Village	Franjo Activity Center
EAST:	R-1; Residential Single Family	Parks and Recreation
WEST:	DV; Downtown Village	Franjo Activity Center

F. SITE AND BUILDINGS:

Site Plan Review:	Acceptable
Scale/Utilization of Site:	Acceptable
Location of Building(s):	Acceptable
Compatibility:	Acceptable

G. STAFF ANALYSIS

The analysis of the request comes in three (3) subsections. The first subsection addresses the establishment of a charter school facility pursuant to Division 30-120. The second subsection address design consideration as provided by Section 30-50.23.1.05.B. The Third subsection is a review of the site plan criteria pursuant to Section 30-30-.5. All portions of this report are incorporated into this analysis including any attached studies.

Subsection I – Establishment of a Charter School

DIVISION 30-120 VILLAGE CODE OF ORDINANCES: The project was reviewed for consistency with the relevant Sections of 30-120 entitled “Physical Standards,” of the Village Code of Ordinances. The Background Section of this report is hereby incorporated by reference into this analysis. The following is an analysis of that review.

Sec. 30-120.3. Required information. All public charter school facilities shall submit the following information to the Village's Department of Community Development for review by the department and for consideration at a public hearing:

(1) Written information:

a. Total size of the site; b. Maximum number of students to be served; c. Grades or age groups that will be served; d. Maximum number of teachers, administrative and clerical personnel; e. Maximum number of classrooms and total square footage of classroom space; f. Total square footage of non-classroom, administrative office space; g. Total square footage of non-classroom, student activity space; h. Amount and location of exterior recreational/play area in square footage; i. Maximum number and type of vehicles that will be used in conjunction with the operation of the facility; j. Number of parking spaces provided for staff, visitors and operations vehicles and justification that those spaces are sufficient for the facility; k. Number of drop-off and pick-up spaces provided for automobile and/or bus use and justification that those spaces/areas are sufficient for the transportation needs of the facility; l. Days and hours of operation; weekly and annually; m. An explanation of any such activities anticipated to be conducted in association with the charter school but typically conducted outside of the hours of operation of the charter school; n. Means of compliance with requirements of the Florida Building Code, the National Uniform Building Code; and the departmental requirements of the Miami-Dade County Fire Department, Miami-Dade County Department of Public Health, the Florida Department of Health and Rehabilitative Services, and any Federal or State regulations applicable to the specific application and occupancy; o. A copy of the charter approved by the Miami-Dade County Public School Board.

(2) Graphic information. The following graphic information shall be prepared by a Florida registered design professional: a. A plan indicating existing zoning on the site and adjacent areas; b. A site plan indicating the following: i. Location of all structures; ii. Parking layout, automobile/bus stacking areas (parent pickup, school bus delivery/pickup, and special needs locations) drives and circulation; iii. Walkways; iv. Location of recreation areas and play equipment which shall include surrounding fences and/or walls; v. Any other features which can appropriately be shown in plan form; c. Floor plans and elevations of all proposed structures; and d. Landscape plan listing quantities, size, and names of all plants.

Analysis: Applicant has submitted all required documentation

Finding: Consistent.

Section 30-120.4 Physical Standards

30-120.4(a) Outdoor areas. Outdoor recreation/play areas are not required. Where provided, the outdoor recreation/play area shall, whenever possible, be located so that the recreation/play area is not immediately adjacent to single family residences or section line roads, nor create incompatible impacts on other immediately adjacent properties. Adequate screening in the form of a wall or fence and landscaping shall be provided wherever the outdoor/play area abuts a property under different ownership.

Analysis: The submitted plan shows the play area to be located on the roof and in the front of the building. State regulations do not require charter schools to provide outdoor recreation areas. [1002.33(18)(a), Fla Stat.] The proposed roof-top and front yard are located internally within the site and is screened from the adjacent properties by the principle buildings and a fence located along the periphery of the site.

Finding: Consistent

30-120.4(b) Signs. Signs shall comply with district regulations as contained in the Code; provided, however, that total square footage of all signs in any residential district shall not exceed six square feet.

Analysis: The application did not include a signage plan. The applicant shall be required to comply with all sign requirements as mandated by Section 30-90 of the Land Development Code Entitled "Sign Regulation."

Finding: Conditionally consistent pending submission and approval of a signage plan consistent with Section 30-90 of the Land Development Code.

30-120.4(c) Automobile Stacking. Stacking space, defined as that space in which pickup and delivery of children can take place, may be provided in the form of specified parking stall and/or areas clear of vehicular drive aisles. Stacking space shall be provided for a minimum of two automobiles for charter schools with 20 to 50 children; schools with 41 to 60 children shall provide four spaces; thereafter there shall be provided a space sufficient to stack five automobiles.

Analysis: The site plan indicates 800 linear feet of stacking space, enough to accommodate 40 stacked vehicles onsite where a minimum of 5 is required.

Finding: Consistent

30-120.4(d) Bus stacking. Stacking space shall be provided to accommodate the transportation needs of the children to the facility without causing back up

on to adjacent public rights-of-ways or substantial disruption to adjacent uses.

Analysis: The application does not include bus drop off/pick up zones and none are required per the School Board or Florida Statute.

Finding: Consistent

30-120.4(e) Parking requirements. Parking requirements shall be as required by the Miami-Dade County Public School Board for the type and size of school proposed.

Analysis: Per Section 30-120.4(e), parking requirements for charter schools shall be as provided in the Florida Building Code. The remainder of the site shall comply with Division 30-50.18(5) and 30-70 of the Village's Land Development Code. The school component is required to have 77 parking spaces. The application includes an at grade parking area which provides 94 parking. The project contemplates a surplus of 17 parking spaces.

Finding: Consistent

30-120.4(f) Height. The building height shall not exceed the height permitted for the underlying zoning district.

Analysis: The maximum building height permitted in the underlying zoning Downtown Village, DV sector is 56 feet. The proposed school structures have a maximum height of 50'-6".

Finding: Consistent

30-120.4(g) Landscaping. Landscaping and trees shall be identified and provided in accordance with Division 30-100 of this Code for the underlying zoning district.

Analysis: The proposed landscape plan meets the general requirements of Division 30-100.

Finding: Consistent

30-120.4(h) Charter school facilities as described herein shall be prohibited from operating on property abutting or containing a water body such as a pond, lake, canal, irrigation well, river, bay, or the ocean unless a safety barrier is provided which totally encloses or affords complete separation from such water hazards. Swimming pools and permanent wading pools in excess of 18 inches in depth shall be totally enclosed and separated from the balance of the property so as to prevent unrestricted admittance. All such barriers shall be a minimum of 48 inches in height and shall comply with the following standards:

1. Gates. Gates shall be of the spring back type so that they shall automatically be in a closed and fastened position at all times. Gates shall also be equipped with a safety lock and shall be locked when the area is without adult supervision.

2. Safety barriers. All safety barriers shall be constructed in accordance with the standards established in the Code, except that screen enclosures shall not constitute a safety barrier for these purposes.

Analysis: The subject site is not located near or adjacent to any body of water nor does the application include a pool facility.

Finding: Consistent

30-120.4(i) Lot coverage and floor area ratio. The charter school facility shall not exceed the lot coverage and floor area ratio allowed by the underlying zoning district.

Analysis: The DUV zoning district has no maximum lot coverage requirements subject to meeting all other zoning requirements (ie. setback requirements).

Finding: Consistent

30-120.4(j) Building setbacks. The charter school facility shall comply with the setbacks established in division 30-60.6 of this Code for buildings of public assemblage as allowed by the underlying zoning district.

Analysis: Section 30-60.15(c), of the Village's Land Development Code provides that buildings used for public assemblage located in office/residential, business or mixed use districts may be permitted with the same yard requirements and setbacks as required of the office, business and mixed-use building legally allowed in those districts. The proposed charter school facility complies with all setback requirements of the underlying zoning district DUV.

Finding: Consistent

Sec. 30-120.6. Plan review standards.

30-120.6(a) Scale. The scale of the facility shall be compatible with the scale of surrounding uses.

Analysis: The property to the east of the project is Palmetto Bay Park and to the west are Village Hall and a strip retail center. The lot to the north is undeveloped and is owned by the adjacent Miami Children's Hospital. The properties to the south are developed with office buildings and a proposed multi-story mixed use development. The proposed scale of the application is compatible with the underlying zoning designation's allowable heights, massing and

setbacks. The intent of the DUV was to provide for a more urban scale of development as contemplated by the application.

Finding: Consistent

30-120.6(b) Compatibility. The design shall be compatible with the design, types of uses, and intensity of uses of the facility site, surrounding buildings, and/or adjacent uses. The applicant shall provide an explanation regarding any activities anticipated to be conducted in conjunction with the charter school.

Analysis: The architectural design, layout and massing of the proposed structures are compatible with the urban characteristics envisioned in the DUV district and the Village's Comprehensive Plan. The proposed charter school use is permitted both by zoning and the Village's Land Use Plan. The existing surrounding uses: Miami Children Hospital, Village Hall, Palmetto Bay Park, Public Works Building and the Miami-Dade County Fire Rescue Station, may be considered uses consistent with the application. The property is not adjacent to any low density single family residential developments.

The applicant has not submitted a list of other civic activities that may occur at the site beyond regular school day activities. Applicant must provide a list of anticipated events (civic group meetings, sporting events, etc.)

Finding: Conditionally consistent upon submission and approval by Planning and Zoning Director of civic activity list.

30-120.6(c) Buffers. Buffering elements shall be utilized for visual screening and substantial reduction of noise levels at all property lines where necessary to comply with division 30-60.11 of this Code.

Analysis: Pursuant to State Statute, charter schools are not required to provide recreational areas. Nevertheless, the site plan includes use of the front courtyard and rooftop for such purposes. The design surrounds the courtyard and serves as a semi-sound barrier.

Finding: Consistent

30-120.6(d) Landscaping. Landscape shall be preserved in its natural state insofar as it is practicable by minimizing the removal of trees or the alteration of favorable characteristics of the site. Landscaping and trees shall be provided in accordance with this Division 30-100 of this Code for the underlying zoning district.

Analysis: The existing site is largely free of any trees, with the exception of a few mango trees as the site was formally part of a grove but now consists mostly of grasses. The landscape plan complies with all requirements as per DERM and Division 30-100 of the Code. The applicant will be required to comply with the street tree requirements and street improvement requirements. This

will be reviewed during site plan administrative review for compliance. Upon approval the applicant must obtain a tree removal permit as per code.

Finding: Conditionally consistent pending appropriate permit approvals from DERM and compliance with 30-50.18(e)

30-120.6(e) Circulation. Pedestrian and automobile/bus circulation shall be separated insofar as is practicable. All circulation systems shall adequately serve the needs of the facility and be compatible and functional with circulation systems outside the facility. Automobile and bus stacking spaces shall be provided to accommodate the drop-off and pick-up needs without causing substantial disruption to adjacent right-of-ways or the surrounding uses.

Analysis: The Traffic Impact Study dated April 5, 2016, the Updated PM Traffic Impact Study dated April 5, 2016, and the site plan are found to be acceptable by the Village's traffic engineering.

Every charter school, up to fifteen days prior to the first day of school, has to submit to the Miami-Dade County School District a list of documentation that includes proof of zoning approval, fire inspection reports, certificates of use and/or occupancy, and proof of insurance, just to name a few. Part of that documentation includes a sign-off from the Traffic Engineering Division (TED) of Miami-Dade County Public Works. Without that sign-off or subsequent statement from TED indicating their acceptance of the application, the school will not have complied with the requirements of the Miami-Dade Public School District. In short, school operations cannot commence without the approvals of TED.

Finding: Conditionally consistent provided the site plan and operations of the facility conforms to the site plan date stamped April 5, 2016, the approved traffic engineering study; the submitted and any subsequent submissions to TED as provided in the analysis above.

30-120.6(f) Service areas. Wherever service areas are provided, they shall be screened and so located as to be compatible with the adjacent properties.

Analysis: All service areas for the project are located within enclosed structures.

Finding: Consistent

30-120.6(g) Parking areas. Parking areas shall be screened and so located as to be compatible with the adjacent properties.

Analysis: The main parking areas is an at grade parking surrounded by a vegetated landscape buffer.

Finding: Consistent

30-120.6(h) Operating time. The operational hours shall be compatible with the activities of other adjacent properties.

Analysis: The charter school will adhere to the typical public school calendar. The proposed project will be consistent with other similar neighborhoods and communities that host public schools adjacent to public amenities, businesses, and civic centers. The traffic study addresses school start time and dismissal times providing schedule's based loosely on the facility's elementary and middle school programs. The study appears to reflect that any impact of the facility will fall into acceptable LOS standards.

Finding: Conditionally consistent provided the applicant conforms to the start and dismissal scheduled as outlined in the traffic study and traffic operations plan. Any changes thereto shall be supported by the findings of a professional traffic engineering study and be subject to peer review by a Village appointed engineer. All costs for such review shall be born by the applicant.

30-120.6(i) Fences and walls. Outdoor recreation and/or play areas shall be enclosed with fences and/or walls at a minimum height of five feet.

Analysis: A fence is identified on the plan.

Finding: Consistent

Subsection II. Design Considerations

The following subsection is a review of those relevant sections of the DUV code which require Council approval to be incorporated into the proposed site plan.

Design Considerations. The following analysis is provided pursuant to 30-50.23.1.05.B as it pertains to Design Considerations. The DUV provides an opportunity for property owners to develop their properties in a manner that supports urban design objectives that promote a cohesive, mixed-use downtown area. The intent of the code is to encourage each project to bring forward unique plans which may require "Design Considerations," that lead to a better project.

- 1) Section 4.03.G.3. *For buildings on sites with greater than 300 feet of frontage, along a street, a pedestrian only paseo, a minimum 15 feet in width, and is no more than 200 feet from a street or other pedestrian paseo shall be provided.* The design of the proposed pedestrian paseo is located on the site to match the paseo on the adjacent parcel.

- 2) Section 4.03.H.1(a). *No building shall occupy more than 250 feet of continuous frontage, along any street within the DUV.* The intent of the code was to prevent a building spanning the full length of long block resulting in a megalithic wall that discourages the movement of pedestrians in a friendly manner. This code did not take into account building uses which would be designed on the short end (north south buildings on the specific lots along park road. As a result, this is a unique situation since a charter

school is being proposed and the design is attempting to stay at three stories to reduce the impact to the property owners to the east. The plan has built in open spaces. Additionally, the building façade undulates along its street frontages giving the appearance of breaks which provides for a greater visual design.

- 3) Section 4.03.H(1) *Parapet wall shall be a maximum 40 inches tall, measured from the top of the highest slab for a flat roof.* In this design, the rooftop has been used as a play area. As such play areas require an eight foot barrier to ensure adequate student safety. The design uses a combination of four foot parapet along with a four foot fence.
- 4) Section 4.03.H.3. *Buildings shall be built according to the minimum/maximum heights by sector, Sec.3.02 A-D 1. For the purpose of calculating the number of stories in a building, stories shall be defined as the occupied space between finished floor and finished ceiling. Table 33 identifies the permitted heights for individual stories, within each building type.* The code minimum of a fourteen foot ground floor ceiling height was designed for a retail use to be located at the ground floor. A school however, is a unique situation. The design of the building is only three stories in keeping with the code, and as such the lower ceiling height is necessary in order to achieve the proposed plan. The intent of the developer was to keep the building to three stories to lessen the impact on the adjacent neighbors. The request allows for a design which would not increase the height of the building but still achieves the end result of accommodating the requested number of students.
- 5) Section 4.04.A(8) *Requires 30% fenestration.* The applicant is requesting 26.11 along the east frontage, 21.67 along the north frontage and 20.55 along the south frontage. The applicant has proposed a unique design for the site and has provided many interesting design features such as the angled entrances and the rooftop design. The intent of the code was to create a visually interesting design which had flow and movement. The proposed design meets that requirement while coming close to the required fenestration by shifting the building back at multiple places to visually create more flow along the building and provide for a better design.
- 6) Section 4.03.H.b.(1). *Break in building facade shall be recessed from the build-to line, up to two (2) feet maximum and shall be at a minimum, be the height of the base element of the building, where required.* The applicants design expands the private open space by shifting the building back at multiple places to visually create more flow along the building and provides for a better design by allowing for more green space at the street level.

Subsection III. Site Plan Review

Sec. 30-30.5(j)(1). – **Site Plan Review Requiring Public Hearing:** The project was reviewed for consistency with the relevant Sections of 30-30.5(j)(1), of the Village Code of Ordinances. The following is an analysis of that review.

Criteria a: In what respects the plan is or is not consistent with the Comprehensive Plan and the purpose and intent of the zoning district in which it is located.

Analysis: In reviewing the Village's Comprehensive Plan, the following Goals, Objectives, and Policies (GOP) below were identified as relating to the proposed amendment. Each GOP is provided with a brief analysis. The finding of those analysis's is provided at the end of this criterion.

Land Use Element

Policy 1.1.1: Franjo Activity Center (FAC). This designation encourages development or redevelopment that seeks to facilitate multi-use and mixed-use projects that encourage mass transit, reduce the need for automobile travel, provide incentives for quality development, provide for the efficient use of land and infrastructure, provide for urban civic open space, and give definition to a pedestrian urban form. The Franjo Activity Center is intended to support the achievement of a residential to non-residential balance that increases the opportunities for transportation demand management alternatives including but not limited to walking and transit, reduced vehicle miles traveled, and reduced single use trips. The Franjo Activity Center shall serve as a significant, multifamily, employment, office and commercial center of the Village.

Development within the Franjo Activity Center shall:

1. Focus on the effective mix of office, service, retail, entertainment, residential, community facilities, open space and transportation uses that will promote a lively, livable, and successful downtown area;
2. Encourage a pedestrian oriented core;
3. Promote mass transit and other forms of transportation as an alternative to the automobile that will link to the Miami-Dade mass transit system and the Village's local I-bus service or any predecessor service thereto;
4. Encourage the integration of transportation and transit systems with land use;
5. Allow for development and redevelopment activities at varying density and intensity ranges, and allow for the transfer of densities and intensities for properties within the boundaries of the FAC, as may be permitted by the Village;
6. Promote compact, innovative land development;
7. Promote creative siting of buildings, transportation routes, and open space to create vistas that will unite the downtown areas, link the downtown with the rest of Franjo Activity Center area, and

Total densities and intensities of development within the Franjo Activity Center shall be as follows:

- Residential Land Uses – 5,389 dwelling units, of which 1,246 are to be held in reserve by the Village to be allocated by the Village at the time of site plan approval;

- Commercial/Office/Retail – 1,500,000 square feet, of which 500,000 square feet are held in reserve to be allocated by the Village at the time of site plan approval.
- Urban Open Space/ Recreation Uses with a level of service within the FAC of .25 acres per 1,000 residents within the FAC.

Community facilities will continue to be permitted with the FAC designation. Industrial uses and those uses which are determined to be detrimental to the goals of the FAC Master Plan are prohibited.

The Village may use innovative land development regulations such as transit and pedestrian-oriented development, transfer development rights, development bonuses and minimum land use densities/intensities to ensure an appropriate land use pattern for the Franjo Activity Center. These regulations shall encourage the integration of transportation and transit systems with land use in order to promote effective multi-modal transportation.

Analysis: The application is a project to construct a charter school on the eastern portion of the land. The remainder of the land is to be submitted at a later date for residential and retail mixed use. The site plan for the school provides for a compact urban design which encourages multimodal opportunities and pedestrian/bicycle activities.

Finding: Consistent

Policy 1.1.8: Discourage land use patterns indicative of urban sprawl in the FLUM and any amendment applications by dictating compact development, mixed use where appropriate, and efficient use of public facility capacity and resources, while protecting single-family neighborhoods.

Analysis: See Background Section. The project is located within the FAC land use designation and DUV zoning district which contemplates an urban compact form with appropriate separations from lower density residential areas. The school portion of the property is optimized at the eastern end with parking and stacking facilities west thereof. The parking area will be later integrated with a multi-structured facility when the remainder of the property is developed for mixed-use. The school facility follows the urbanized design format and should integrate well as residential development within the downtown area begins to come on-line. This synergy should offer area families the ability to have their children walk to the school thus reducing future automobile trips typically associated with suburban style facilities.

Finding: Consistent.

Policy 1.4.1: Public schools continue to be allowed in all land use categories shown on the adopted Future Land Use Map and in all zoning districts contained

on the Land Development Code (LDC). However, if located in or near neighborhoods, adverse impacts to the tranquility of the residents around the school and in the surrounding neighborhood must be minimized to the maximum extent possible.

Analysis: Policy 1.4.1 permits public schools within all land use categories. Per Section 1002.33(1), Florida Statutes, charter schools are considered public schools and pursuant to Section 1002.33(18), Florida Statutes, are to be treated "equitably." Additionally, Section 1013.33(13) requires, if a school facility is consistent with the Village's Comprehensive Plan Land Use Policies, the application may not be denied. The municipality, however, may impose reasonable conditions on the development. The charter school is adjacent to a 17 acre park and adjoins Franjo Road. The property is located within the Village's "Franjo Activity Center" land use designation, which allows for low institutional uses. A charter school is an institutional use.

Finding: Consistent.

Transportation Element

Policy 2A.1.1 The Village of Palmetto Bay recognizes the Urban Development Boundary (UDB) designated by Miami-Dade County and the Urban Infill Area UIA¹ within its municipal limits. Pursuant thereto, the minimum acceptable peak-period LOS for all State and County roads within the UDB shall be the following:

* * *

2. Between the UDB and UIA:

* * *

(3) Where extraordinary transit service, such as express bus service, parallel roadways within a half-mile shall operate at no greater than 120% of their capacity.

Analysis: See Policy 2.A.1.2 below. The project is within a designated Community Urban Center (both in the Village's Comprehensive Plan and Miami-Dade County's Comprehensive Master Development Plan) and is within a ¼ mile of Rapid Transit Station. It is therefore exempt from traffic concurrency. However, the underlying development regulations guiding the form of this development are supported by a prior study performed by Richard Garcia and Associates Inc., and peer reviewed by Marlin Engineering which provided for a road network capable of managing anticipated demand. This project is consistent with those tenets.

¹ The UIA is defined as that area east and south of the State Road 826 (the Palmetto expressway) and 77th Avenue (including those portions of theoretical SW 77 Avenue.

The applicant's traffic study and the peer review dated May 26th, 2016 indicate that there is existing capacity to deal with the trips generated by this project and will have minimal impact on the community.

Finding: Consistent.

Policy 2A.1.2 Palmetto Bay recognizes five "rapid transit stations" and two community urban centers serving the South Dade Busway that illustrated on both the Village of Palmetto Bay Future Land Use Map and the Miami-Dade County Land Use Plan as locations for future transit oriented development. Consistent with the Miami-Dade County's CDMP, the Village will continue to exempt development applications from traffic concurrency requirements that lie within one-quarter (1/4) mile of one of these rapid transit stations or community urban centers provided that they include office, hotel, or residential land uses and are designed in such a manner to support convenient use of the transit corridor.

Analysis: See Policy 2A.1.1. The project is within a designated Community Urban Center (both in the Village's Comprehensive Plan and Miami-Dade County's Comprehensive Master Development Plan) and is within a 1/4 mile of Rapid Transit Station. Although this project is exempt from traffic concurrency, the prior study performed by Marlin Engineering which was relied upon to establish the DUV district provided for a road network capable of managing anticipated demand. This proposal is consistent with that study.

The applicant's request is to reduce the total number of students from 1,400 to 1,000. Since the original approval met the requirements and was approved the reduction is clearly consistent.

Finding: Consistent.

Policy 2A.1.6 In connection with future development, all roadway, transit, bicycle and/or pedestrian improvements shall be built by the respective developer(s), in accordance with the Village's adopted subdivision regulations, and be in place prior to issuance of a final Certificate of Occupancy.

Analysis: The proposed application includes pedestrian facilities adjacent to the right-of-ways with connections to the site. The application provides for bike paths streets and sidewalks. In addition the developer shall be installing a public pedestrian paseo to allow for the movement of people on the site.

Obj. 2A.5 Bicycle and Pedestrian Facilities
Increase the amount of pedestrian and bicycle activity within the Village by providing adequate facilities to promote friendly pedestrian and bicycle environments.

Analysis: The proposed project provides for wide pedestrian walkways, bicycle lanes, and bicycle racks.

Finding: Consistent.

Obj. 2B.1 Transit and System Improvements

Increase utilizations of transit service by local residents, employees, and visitors to help reduce motor vehicle use and traffic congestion.

Analysis: See Policy 2A.1.2. The proposed project is across the street from a proposed multimodal facility that will link commuters to the adjacent South Dade Busway.

Finding: Consistent.

Policy 2B.2.4 Provide incentives, such as increased allowable density or reduced parking requirements, to developers of all residential, commercial and/or general office land uses within identified mixed-use land use categories that place public transit facilities within their parcels.

Analysis: See Policy 2A.1.2. The proposed project falls into acceptable intensity ranges as provided by the FAC land use designation and the DUV zoning code. The project is within a ¼ mile of Miami-Dade County's Rapid Transit Stations and across the street from the Village's proposed multimodal facility. It is believed this proximity will encourage mass transit usage of the residents and visitor to this facility.

Finding: Consistent.

Infrastructure Element

Policy 4A.1.1 The adopted level of service standard adopted by the Miami-Dade Water and Sewer Department (WASD) for potable water service within the Village of Palmetto Bay is:

- a. The Regional Treatment: System shall operate with rated maximum daily capacity no less than 2% above the maximum daily flow for the preceding year, and an average daily capacity 2% above the average daily system demand for the preceding five years. The maximum daily flow shall be determined by calculating the average of the highest five single day flows for the previous 12 months.
- b. Water shall be delivered to users at a pressure no less than 20 pounds per square inch (psi) and no greater than 100 psi. Unless otherwise approved by the Miami-Dade Fire Rescue Department, minimum fire flows based on the land use served shall be maintained as follows:

<u>Land Use</u> (gpm)	Min. Fire Flow
Single Family Residential Estate	500
Single Family and Duplex; Residential on Minimum lots of 7,500 sf	750
Multi-Family Residential; Semiprofessional Offices	1,500
Hospitals; Schools	2,000
Business and Industry	3,000

- c. Water Quality: Meet all federal, state, and county primary potable water standards.
- d. Countywide Storage: Storage capacity for finished water shall equal no less than 15% of countywide average daily demand.

Analysis: Miami-Dade County is the utility that shall provide potable water service to the proposed development. The project is adjacent to existing potable waterline(s), however it is not clear at the time of this writing whether those lines have laterals available for connection. Manner of connection to the potable water system shall be determined Miami-Dade County at the time of permitting/platting. Any underground work within the right-of-way shall be coordinated with the Village to minimize operation impact to the adjacent roadway(s).

As of 2012, Florida Department of Environmental Protection granted water treatment capacity for potable water for Miami-Dade County at 1,489 MGD, and permitted water treatment capacity for non-potable water was at 117 MGD. The Village Currently consumes approximately 2.28 MGD.

The proposed development shall be required to ensure prescribed water pressures are maintained. Countywide Storage capacity for finished water is in compliance with the 15% countywide average daily demand.

Finding: Consistent.

Policy 4B.1.1: The adopted level-of-service standard established by the Miami-Dade County Water and Sewer Department (WASD) for sanitary sewer service within the Village of Palmetto Bay is:

- a. Regional wastewater treatment plants shall operate with a physical capacity of no less than the annual average daily sewage flow.

- b. Effluent discharged from wastewater treatment plant shall meet all federal state and county standards of 100 gallons, per capita, per day.
- c. The system shall maintain the capacity to collect and dispose of 102 percent of the average daily sewage demand for the preceding 5 years.

Analysis: See Policy 4.A.1.1. Miami-Dade County is the utility that shall provide sanitary sewer service to the proposed development. The area is served by wastewater facilities. Pump station PS 30-1147 serves the area, has a maximum capacity of 1,045,522 gallons per day, is currently operating at 7.6%. Manner of connection to the potable water system shall be determined Miami-Dade County at the time of permitting/platting. Any underground work within the right-of-way shall be coordinated with the Village to minimize operation impact to the adjacent roadway(s).

Current water consumption within the Village is 93.45 GPD, per capita. Consumption generally corresponds to waste. This number is well below the 100 GPD, per capita and within the 102 percent of the average daily sewage demand.

Finding: Consistent.

Policy 4B.2.1: See Policy 4B.1.1. Encourage future development into areas that are already served, or programmed to be served, by Miami-Dade County WASD sanitary sewer facilities.

Analysis: The property is served by a sanitary sewer gravity line. The servicing pump station is currently operating at 7.6% capacity.

Finding: Consistent.

Policy 4C.1.1 The storm-water management LOS standards for Village of Palmetto Bay are: Water Quality Standard. Storm-water facilities shall be designed to meet the design and performance standards established in Ch. 62-302.500 and 25.025, F.A.C., with treatment of first one (1) inch of rainfall runoff Water Quality Standard. Where two or more standards impact a specific development, the most restrictive standard shall apply:

- a. Post development runoff shall not exceed the pre-development runoff rate for a 25-year storm event, up to and including an event with a 24-hour duration.
- b. Treatment of the runoff from the first one (1) inch of rainfall onsite or the first 0.5 inch of runoff, whichever is greater.

Analysis: Storm-water projects have been completed throughout much of the downtown area. This element is reflective of improvements that would need to be performed at the time the property is the subject of a development order request. As such, any future development of the

property will require full compliance with this element at the time of platting/building permitting.

Finding: Consistent.

Obj. 2A.5 Bicycle and Pedestrian Facilities
Increase the amount of pedestrian and bicycle activity within the Village by providing adequate facilities to promote friendly pedestrian and bicycle environments.

Analysis: The proposed project provides for wide pedestrian walkways, bicycle lanes, and bicycle racks.

Finding: Consistent

Obj. 2B.1 Transit and System Improvements
Increase utilizations of transit service by local residents, employees, and visitors to help reduce motor vehicle use and traffic congestion.

Analysis: See Policies 2A.1.1 and 2A.1.2.

Finding: Consistent

Policy 4D.1.1 The adopted level-of-service standards maintained by the Miami-Dade County Department of Solid Waste Management for solid waste services within the Village of Palmetto Bay is 9.9 pound, per capita, per day and to maintain solid waste disposal capacity sufficient to accommodate waste flows committed to the system through long-term interlocal agreements or contracts along with anticipated non-committed waste flows for a period of five (5) years in accordance with Miami-Dade County's Comprehensive Development Master Plan.

Analysis: The Village of Palmetto Bay generates approximately 41,000 tons of solid waste annually which equals a rate of approximately 9.3 pounds, per capita, per day. This accounts for only approximately 1.5% of total waste generated. As of 2003, the South Dade Landfill has a capacity of 9.148 million tons with a life expectancy through 2032. Actual impact to LOS of any site plan shall occur at site plan review or building permitting.

Finding: Consistent.

Parks Element

Policy 7.1.3 Maintain a balance of active parks, passive parks, and natural areas to meet the needs and expectations of Village residents, and seek future opportunities to increase the number of pocket parks and other urban open spaces distributed throughout the Village.

Analysis: The proposed development includes provisions for public open spaces at each corner of the lot as well as a pedestrian paseo that links with the proposed development to its south.

Finding: Consistent

Policy 7.1.8 Ensure that ample parks and open space is a key component in the development of the Palmetto Bay Village Center and the Franjo Road/US 1 Commercial Area mixed-use areas.

Analysis: See Policy 7.1.3.

Policy 7.2.4 Continue to look for opportunities to provide parking spaces and bicycle racks at recreation sites where they are now lacking or inadequate.

Analysis: Please see Policy 2A.5. The proposed project provides for wide pedestrian walkways, bicycle lanes, and bicycle racks.

Education Element

Ob. 10.1 Work with Miami-Dade County Public Schools towards the reduction of the overcrowding which currently exists in Miami-Dade County Public Schools, while striving to attain and optimum level of service pursuant to Objective 2. Provide additional solutions to overcrowding so that countywide enrollment in Miami-Dade County's public schools will meet state requirements for class size by September 1, 2010.

Analysis: All public schools within the Village are under capacity. Charter schools are by state law, public schools. Approval of this request will contribute to the overall inventory of available classroom capacity.

Finding: Consistent.

Policy 10.3.2: In the selection of sites for future educational facility development, the Village encourages Miami-Dade County Public Schools to consider whether a school is in close proximity to residential areas and is in a location that would provide a logical focal point for community activity.

Analysis: The property in question is within the DUV zoning district. The properties to west are zoned DUV, and include Village Hall along with some retail strip shopping centers. The properties to the north and south are zoned DUV. The property to the east is Palmetto Bay Park. Designed for an urban environment, it is believed the project will contribute to serving as a focal point for community activity once adjacent residential development begins to come online within the downtown area.

Finding: Consistent

Policy 10.3.3 Where possible Miami-Dade County Public Schools should seek sites which are adjacent to existing or planned public recreation areas, community centers, libraries, or other compatible civic uses for the purpose of encouraging joint use facilities or the creation of logical focal points for community activity.

Analysis: The property in question is within the DUV District. The properties to west are zoned DUV, and include Village Hall along with some retail strip shopping centers. The properties to the north and south are zoned DUV. The property to the east is Palmetto Bay Park. The project's proximity to Village Hall and Palmetto Bay Park facilities may contribute to the site serving as a logical focal point for community activity.

Finding: Consistent

Water Supply Facility Element

Policy 11.1.1 The adopted level-of-service standard established by WASD for potable water service within the Village:

- a. Regional Treatment. System shall operate with rated capacity that is no less than two (2) percent above the maximum daily flow for preceding year.
- b. User LOS, Maintain capacity to produce and deliver 97.54 gallons/per capita/per day.
- c. Water Quality. Meet all federal, state, and county primary potable water standards.
- d. Countywide Storage. Storage capacity for finished water shall equal no less than 15 percent of countywide average daily demand.

Analysis: See Policy 4A.1.1.

Finding: Consistent.

Policy 11.2.1 Encourage future development and redevelopment in areas that are already served, or programmed to be served, by WASD potable water facilities.

Analysis: The area is served by potable water as provided by Miami-Dade County.

Finding: Consistent.

Criteria b: In what respects the plan is or is not in conformance with all applicable regulations of the zoning district in which it is located.

Analysis: See Subsection II pertaining to "Design Considerations." The applicant is requesting six (6) design considerations in order to deliver a development that meets the desired intent of the DUV Code. Those considerations are

provided for in greater detail at Subsection I. The project is consistent with remainder of all applicable regulations.

Finding: Consistent

Criteria c: In what respects the plan is or is not in conformance with the Village subdivision regulations and all other applicable Village requirements including the design and construction of streets, utility facilities and other essential services.

Analysis: See Criteria "a" and "b".

Finding: Consistent.

Criteria d: In what respects the plan is or is not consistent with good design standards in respect to all external relationships including but not limited to:

- i. Relationship to adjoining properties.
- ii. Internal circulation, both vehicular and pedestrian.
- iii. Disposition of open space, use of screening, buffering and/or preservation of existing natural features, including trees.
- iv. Building arrangements between buildings in the proposed development and those adjoining the site.

Analysis: The building itself is designed to interact with adjacent properties. The design has street level entrances for students and with sidewalk interaction. The open design and use of open space and creation of public open space and a paseo clearly provides circulation for pedestrians. The facility has entrances from both the west and the east to make access pedestrian friendly by design. The disposition of open space and addition of landscape creates a sense of green and open space on site. The site has the paseo and sidewalk designed such that it flows smoothly to adjacent properties. This design feature extends to the center line of the road and includes wide sidewalks, and bike paths.

Finding: Consistent.

Criteria e: In what respects the plan is or is not in conformance with the Village policy in respect to sufficiency of ownership, guarantee for completion of all required improvements and the guarantee for continued maintenance.

Analysis: The applicant has shown proof of ownership as part of the application process and will provide a note for onsite improvements and shall bond all right of way improvements as required by code

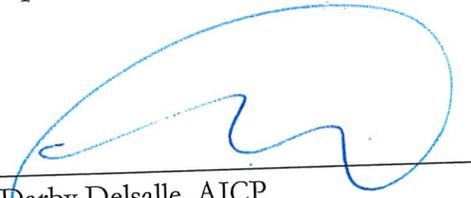
Finding: Consistent

H. RECOMMENDATION:

Staff recommends approval under Sections 30-30.5, 30-50.23, and 30-120 of the Village's Land Development regulations for the plans entitled "Parkside at Palmetto Bay", dated stamped received May 18, 2016, as prepared by CIVICA, LLC., with the following conditions:

1. The application shall comply with all codes and ordinances of the Village and shall comply with the requirements of all other applicable departments and agencies as part of the Village of Palmetto Bay's building permit submittal process in addition to all design requirements under the Downton Urban Village Zoning District.
2. The application must meet the minimum requirements of Chapter 24 of the Code of Miami-Dade County.
3. The project is consistent with LOS concurrency in so far as it is not subject thereto, however the site plan and operations of the facility shall conform to the site plan date stamped May 18, 2016, the approved traffic engineering study; and any conditions recommended in MDPW's final report on said items.
4. Application shall comply with the all comments provided by the Village's Traffic Engineer.
5. The applicants shall work with the Art-in-Public-Places Advisory Board in addressing its Art in Public Places requirement as required by 30-160, of the Village's Code of Ordinances.
6. The applicant must submit a list of other civic activities that may occur at the site beyond regular school day activities. Applicant must provide list of anticipated events (civic group meetings, sporting events, etc.).
7. The applicant is to comply with 30-120(.6(c), relating to buffers and shall comply with all DERM permit approval requirements.
8. The applicant shall comply with 30-120.6(h) relating to adhering to the typical public school calendar. The proposed project will be consistent with other similar neighborhoods and communities that host public schools adjacent to public amenities, businesses, and civic centers. The applicant has not submitted information regarding school time starts. The applicant shall be required to continue the staggered start times.
9. Operation of the school facility shall conform to the staggered start and dismissal times as provided for in the application, traffic study, and traffic operations plan, provided the site plan and operations of the facility conforms to the site plan date stamped April 5, 2016, the approved traffic engineering study; and any conditions suggested by the Village engineering peer review report dated May 26, 2016.
10. The application shall come into compliance with any recommendations provided by the Miami-Dade County's Department of Public Works.

11. Design consideration from Section 4.03.G.3, regarding the pedestrian paseo is granted provided the buildings are constructed in substantial compliance with the approved plan.
12. Design consideration from Section 4.03.H.1(a), regarding a building exceeding 250 feet of frontage is granted provided the buildings are constructed in substantial compliance with the approved plan.
13. Design consideration from Section 4.03.H(1) regarding parapet wall height is granted provided the buildings are constructed in substantial compliance with the approved plan.
14. Design consideration from Section 4.03.H.3, regarding building heights is granted provided the buildings are constructed in substantial compliance with the approved plan.
15. Design consideration from Section 4.04.A(8), requiring 30% fenestration is granted provided the buildings are constructed in substantial compliance with the approved plan..
16. Design Consideration from Section 4.03.H.b.(1), regarding breaks in building facade shall be recessed from the build-to line is granted provided the buildings are constructed in substantial compliance with the approved plan.



Darby Delsalle, AICP
Director of Planning and Zoning Department

