



Village of Palmetto Bay  
FLORIDA

ZONING ANALYSIS

**APPLICANT:** Shores at Palmetto Bay, LLC      **PH:** VPB-11-001  
**PROPERTY FOLIO:** 33-5033-000-0860      **ZIP:** 33157  
**SECTION:** 33-55-40      **HEARING DATE:** October 17, 2011  
**COUNCIL DISTRICT:** 3      **ITEM:** 1

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**A. INTRODUCTION**

- **REQUEST:** Pursuant to Division 30-120 of the Village of Palmetto Bay's Land Development Code (LDC), the applicant, Shores At palmetto Bay, LLC, is requesting to establish a charter school facility for 1,400 students on a property within the Franjo Triangle & Island (FT&I) District and zoned Mixed Use Main Street (MM) and Mixed Use Neighborhood (MN).
- **SUMMARY OF REQUEST:** The property in question is an approximately 5 acre parcel just east of Village Hall. The applicant is proposing a mixed used development of residential, retail, and office uses together with a charter school use. Section 30-120 requires a public hearing when establishing a charter school. The following report provides a detailed history and analysis of the property as it pertains to the requested charter school as well as an analysis of the pertinent statutes and ordinances that shall be used in guiding the Council's decision.
- **LOCATION:** The third parcel from the northeast corner of SW 97<sup>th</sup> Avenue and SW 180<sup>th</sup> Street.
- **SIZE OF LOT:** 5.02 Acres
- **IMPACT:** The proposed project includes the construction of a 1,400 student Charter School facility and a mixed-use structure fronting Franjo Road. The following analysis is intended to identify any potential impacts that may result from the development o the project.

**B. ZONING HEARING HISTORY: (06-06, Z-72-84, 5324, 2108, 2480, 2069,)**

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As County Zoning Resolution 2-ZAB-512-64 was rescinded it is no longer maintained in Miami-Dade County records.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

On December 4, 1958, the Miami-Dade County Zoning Commission via Resolution **No. 2480**, approved the Director of the Building and Zoning Department's request for a District boundary change from RU-1, RU-2, B-1 and AU to RU-1, RU-2 and B-1.

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.

### **C. SCOPE OF THE PUBLIC HEARING**

The Mayor and Village Council are required to hold a public hearing on the establishment of a charter school at the property. It is important to note that the request, and any subsequent decision rendered by the Mayor and Village Council, is controlled by both Florida law and the Village's Code, Division 30-120.

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 be not 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] Interlocal 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 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.

The FT&I District, enacted in 2006, was established to provide a mixed use and urban oriented development pattern to serve the commercial and residential needs of the Village and included a streamlined site plan review procedure that would be completed at an administrative level thus avoiding a public hearing. The initiative sought to encourage redevelopment of the District by providing a more direct review procedure. The FT&I District included various zoning sub-Districts internal to it with specified development criteria together with a permitted use schedule. The sub-districts of MM and MN of which the subject property is zoned, permits residential, commercial and school uses, however Division 30-120 requires a public hearing before the Mayor and Village Council for the charter school facility component. All other aspects of the review as required by the FT&I District regulations, Section 30-50(18) are required to be administratively reviewed for compliance with the FT&I zoning requirements.

#### **D. BACKGROUND:**

The applicant's property is located on the third parcel of the northeast corner of SW 97<sup>th</sup> Avenue and SW 180<sup>th</sup> Street. As previously stated above, the overall project is a mixed use development to include residential, office and retail uses as well as the charter school component which is the subject of this report. The property is zoned MM, Mixed Use Main Street and MN, Mixed Use Neighborhood, and is within the FT&I District and the Empowerment Zone. [See exhibit A, entitled "Empowerment Map."]. The lot is currently undeveloped.

The property to the east of the project is Palmetto Bay Park. To the west is Village Hall and a strip retail center. The lot to the north is undeveloped and was acquired by the adjacent Miami Children's Hospital as part of its expansion plan. The properties to the south are developed with office buildings and a retail bank.

If constructed as proposed, the development will include a 1,400 student charter school. The plan calls for locating the school buildings along principally the eastern property line adjacent to Palmetto Bay Park and the north property line. The proposed parking garage located along the south property is a jointly used facility shared between the school and the residential, office and retail components of the development. The school buildings do not exceed three stories and comply with all required setbacks. The project's central

court yard/drive is capable of accommodating up to 76 vehicle stacking spaces during school drop-off and pick-up times. The project as submitted, date stamped September 16<sup>th</sup>, 2011, requires no variances to receive development approval.

**E. NEIGHBORHOOD CHARACTERISTICS:**

**ZONING**

**Subject Property:**

MM; Mixed-Use Main Street  
 MN; Mixed-Use Neighborhood

**Surrounding Properties**

**NORTH:**

MM; Mixed-Use Main Street  
 MN; Mixed-Use Neighborhood

**SOUTH:**

MM; Mixed-Use Main Street  
 MN; Mixed-Use Neighborhood

**EAST:**

E-M; Single-Family  
 Residential District

**WEST:**

MM; Mixed-Use Main Street

**FUTURE LAND USE DESIGNATION**

Neighborhood Mixed-Use  
 6 to 18 dwelling units per gross acre  
 FAR .5 average for non-residential uses

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 FAR .5 average for non-residential uses

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 FAR .5 average for non-residential uses

Parks & Recreation  
 Maximum floor area ratio (FAR) 0.2

Neighborhood Mixed-Use  
 6 to 18 dwelling units per gross acre  
 FAR .5 average for non-residential uses

**F. NEIGHBORHOOD SERVICES:**

Code Compliance	No Objection
DERM	Required
Building and Capital Projects	Required
VPB Public Works	Required
MDC Public Works	Required
Art in Public Places	Required
Fire	Required

**G. STAFF ANALYSIS**

- I. **COMPREHENSIVE PLAN** The project was reviewed for consistency with the Villages Comprehensive Land Use Plan and corresponding Goals, Objectives and Policies thereof. The following is an analysis of that review.

***Objective 1.1 Future Land Use Map***

*Policy 1.1.1: Neighborhood Mixed-Use (NMU): This designation accommodates convenience business/retail uses and services within or near neighborhoods for day-to-day living needs.... Residential density shall range from a minimum of 6.0 to a maximum of 18.0 dwelling units per*

*gross acre. Non-residential intensities should average a floor area ration (FAR) of 0.5. ...*

**ANALYSIS** This portion of the Land Use Plan relates more to the site plan component for administrative review. As seen below, public schools, including all charter schools are allowed in all land use categories. The application does not exceed the 0.5 FAR maximum. The residential component, though it complies with density requirements, is not the subject of this hearing.

**FINDING** Consistent

***Objective 1.4: Schools and Collocation of Public Facilities***

*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 "Neighborhood Mixed Use" Land Use Category, which allows for low intensity institutional uses. A charter school is an institutional use.

**FINDING:** Consistent as to uses. Although the language refers to "low intensity institutional uses," Policy 2A.1.3, below, provides a more specific requirement and exemption required by Miami-Dade County for Enterprise Zones.

***Objective 2A.: Transportation Level of Service***

*Policy 2A.1.3: Consistent With Miami-Dade County, continue to exempt proposed development from transportation concurrency requirements that are located within an Enterprise Zone established pursuant to Chapter 290 of the Florida Statutes.*

**ANALYSIS** The property in question is within the South Dade (Cutler Ridge/Perrine) Enterprise Zone and is therefore exempt from transportation concurrency. This should not, however, be interpreted to mean that the project is exempt from any reasonable condition that will mitigate any impacts that may occur from the proposed charter school facility. Specifically, Section 1013.33(13), Florida Statutes, permits the reasonable imposition of conditions on the approval of a charter school. [See Exhibit A entitled "Enterprise Zone" Map].

The applicant's intersection analysis of their traffic study showed compliance with Miami-Dade County's Public Works Department's requirements for schools, however the PM hours did not account for the retail and residential components of the project. Because of the LOS exemption identified above, this condition cannot result in a denial decision by the Council.

At the time this report was published, Miami-Dade's response to the applicant's traffic study was not available. Pending their report consistency with these criteria cannot be fully analyzed.

**FINDING** Consistent in so far as the project in not subject to LOS concurrency, however implementation of any improvements that may mitigate any negative impacts cannot be determined until the applicant responds to the comments issued by the Village's Traffic Engineer dated September 26, 2011 and until Miami-Dade's traffic review is received and analyzed by the Village.

*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 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 sidewalk network within the Franjo Road area is incomplete and lacks connectivity. The application does not appear to provide for bicycle lanes. This presents a challenge to students walking or bicycling to and from the campus. Notwithstanding Policy 2A.1.3 of the Villages Comprehensive Land Use Plan, Section 1013.33(13), Florida Statutes, permits the reasonable imposition of conditions on the approval of a charter school. The Village recommends the applicant complete the sidewalk connectivity along the east side of Franjo Road from SW 180 Street to US-1, to provide a safe pedestrian and bicycle path for students accessing the property. This request would be consistent with the requirements of 30-50.18, Plan G "Bike Route Plan and the requirements of "Street Type 9, Main Street Core."

**FINDING** Conditionally consistent provided sidewalk connectivity is included as a condition to development. The connectivity should be constructed along the east side of Franjo Road from SW 180 Street to US-1. The plan shall also comply with the "Bike Route Plan and the requirements of "Street Type 9, Main Street Core."

**Objective 10.3: Suitable sites for the development and expansion of public education facilities**

*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 FT&I District and is zoned MM, Mixed use Main Street and MN, Mixed Use Neighborhood. The properties to west are zoned MM, and include Village Hall along with some retail strip shopping centers. The properties to the north and south are zoned MM and MN. The property to the east, Palmetto Bay Park, is zoned E-M, Single Family Residential District.

The mixed use project application includes 33 residential units with a commercial component and a charter school. The colocation of a school facility with apartments is consistent with the FT&I zoning regulations. Further, there are no single family residential developments adjacent to the applicant's site.

**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 FT&I District and is zoned MM, Mixed use Main Street and MN, Mixed Use Neighborhood. The properties to the west are zoned MM, and include Village Hall along with some retail strip shopping centers. The properties to the north and south are zoned MM and MN. The property to the east, Palmetto Bay Park, is zoned E-M, Single Family Residential District.

Though the entire mixed use project includes 33 residential units, the colocation of a school facility with apartments is consistent with the FT&I zoning regulations. Further, there are no single family residential developments adjacent to the applicant's site.

**FINDING** Consistent

2. **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 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 Planning and Zoning Department 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:**

The applicant has provided copies of two approved charters for sites in Homestead. However, neither charter has been approved in association with this site. The Village requires an approved charter be submitted with the application. Additionally, pursuant to the existing charters provided by applicant, any relocation would require prior approval of the School Board. As there is no final charter for this site, nor any approval for relocation, the Council may deny the application outright for insufficiency, may continue this item pending receipt of an appropriate charter; or condition any approval upon receiving an appropriate charter at the time of issuance of building permits. Charter approval is principally a requirement of the Miami-Dade County School Board, after public hearing. Use of an issued charter must be completed within a year of receipt. Thereafter, the charter may be extended for one additional year by the School Board. As a practical matter, development of a new site may take more than a year.. The applicant argues that the development process would preclude the issuance of a charter prior to development approvals and, therefore, requests to use the existing charter for one of the Homestead charter schools. If that is permitted by the Council, the applicant would have to go back to the school board to obtain the approval. Upon such time that a charter is granted any decision rendered by the Council shall be as governed by division 30-120, and Florida statutes 1002.33, as was further discussed above. All other aspects required by 30-120.3 were submitted.

**FINDINGS:** To be determined by the Council whether the submitted application is consistent or inconsistent with Section 30-120.3(1)(o). The Council's options are to determine whether to deny, continue, or approve with conditions.

**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** It is unclear from the plans submitted how the proposed outdoor recreation/play area will be utilized. The area is being co-utilized as a traffic stacking area/student pick-up/drop-off area. The area is intended to assist with traffic circulation and to be utilized for outdoor recreation space for the students. State regulations do not require charter schools to provide outdoor recreation areas. [1002.33(18)(a), Florida Statutes] The proposed multi-functional recreational court yard is located internally within the site and is screened from the adjacent properties by the principle buildings located along the periphery of the site. The proposed development does include an indoor gymnasium.

**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 1,672 linear feet of stacking space, enough to accommodate 76 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 includes two (2) bus drop off/pick up zones located within the vertical private service road situated internal to the site. The two zones are located internally so as to prevent traffic disruption to the adjacent uses.

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 129 parking spaces. The residential, office and retail portion of the application is required to provide 82 parking spaces, for a total of 211 parking spaces. The application includes a parking structure which provides 268 parking spaces to serve the entirety of this mixed use development. The project contemplates a surplus of 57 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 Mixed-Use Neighborhood District is 56 feet. The proposed school structures have a maximum height of 46'-9" and the parking garage has a maximum height of 55 feet.

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 FT&I zoning District has no maximum lot coverage requirements subject to meeting all other zoning requirements (ie. setback requirements). The maximum permitted FAR is 0.5, the proposed FAR is 0.5. [Village Comprehensive Plan, Future Land Use Element, Neighborhood Mixed-Use (NMU)].

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 MN.

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 was acquired by the adjacent Miami Children's Hospital to be used for the hospital's expansion. The properties to the south are developed with office buildings and a retail bank. Though the intensity of development of surrounding properties is less intense, the proposed scale of the application is compatible with the underlying zoning designation's allowable heights, massing and setbacks as permitted by FT&I Districts of MM and MN. The intent of the FT&I District was to provide for a more urban scale of development as contemplated by the application. Further, the project is designed to transition from an allowable height of five stories along Franjo Road to the two-story school multipurpose structure fronting Palmetto Bay Park.

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 FT&I District and the Village's Comprehensive Plan. The proposed charter school use is permitted both under zoning and the Village's Land Use Plan. The existing surrounding uses: Total Bank, Miami Children Hospital, Village Hall, Palmetto Bay Park, Public Works Building and the Miami-Dade County Fire Rescue Station, may be considered higher intensity 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 list of anticipated events (civic group meetings, sporting events, etc.)

FINDING Conditionally consistent upon submission and approval 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 All major recreational elements are contained within enclosed structures with the exception of the internal courtyard. The buildings surrounding the courtyard serve as a semi-sound barrier and said courtyard is not visible from the adjacent properties. In addition the school building on the south side has a 12' landscape buffer and a 16'-8" and landscape buffer to the north.

FINDING Consistent

§30-120.6(d) *Landscaping. Landscape shall be preserved in its natural state insofar as 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 mango grove and 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 of 30-50.18(e) – Minor Street Core/Center, Street Type 3, and the Village’s adopted “Street Improvement Standards for FT&I District. Compliance will require either construction or a bond to ensure future construction and compliance. 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 See Exhibit B entitled “Traffic Study.”

FINDING Inconsistent until such time as the application comes into compliance with the comments provided by the Village’s Traffic Engineer and Miami-Dade County’s Department of Public works.

§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 are contained within a semi-enclosed three story parking structure. In addition, a heavily vegetated landscape buffer is proposed along the entire span of the south façade of the parking garage. Please note that the applicant shall be required to comply with Section 30-50.18(e), Minor Street (Parking Both Sides) Core/Center, Street Type 3.

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 applicant has not submitted information regarding school time starts. The applicant is proposing three staggered start times for the student population.

FINDING             Conditionally Consistent.....

§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            No fence detail is identified on the plan, applicant provides note that it will comply with fence requirements as per code. The plans do reflect a gate closing off the private service road (drop-off area) – at the multipurpose use area.

FINDING             Conditionally consistent pending submission and approval of fencing plan.

**I. RECOMMENDATION:**

The application as it stands at the time of this published report did not include a charter issued by the Miami-Dade School Board for the property in question. It is incumbent upon the Village Council to determine whether the submitted application should be denied, continued to a future public hearing, or to condition any approval upon obtaining the charter prior to the issuance of a building permit due to the lack of an approved charter for this site.

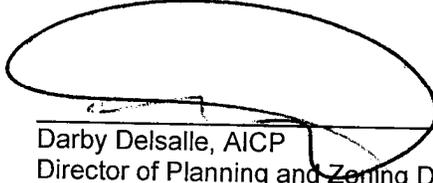
Should the Council decide to proceed, staff recommends approval under Section 30-120 of the Code to allow plans entitled "Shores at Palmetto Bay, LLC", consisting of five (5) sheets dated stamped received September 19<sup>th</sup>, 2011, as prepared by CIVICA, LLC., with the following conditions:

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 FT&I 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, implementation of any improvements that may mitigate any potential negative impacts cannot be determined until the applicant responds to the comments issued by the Village's Traffic Engineer dated September 26, 2011, and until Miami-Dade's traffic review is received and analyzed by the Village.
4. The applicants shall relocate all existing trees affected by the proposed development to another location within the property and shall be noted on the plans submitted to the Building Department. Compliance with this requirement shall be noted on the plans. In addition, the applicant shall submit a final master landscape plan for administrative review and approval by the Director of the Planning and Zoning Department.
5. The applicant shall comply with the all comments provided by the Village's Traffic Engineer and Miami-Dade County Public Works.
6. 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.
7. The development (entire mixed use application, including the charter school use) authorized under this approval shall be valid for 24 months from the date of approval. If not constructed within the 24-month period the use approval will automatically expire.
8. The applicant is to provide sidewalk connectivity as a condition to development. The connectivity should be constructed along the east and west side of Franjo Road from SW 180 Street to US-1. The plan shall also comply with the "Bike Route Plan and the requirements of "Street Type 9, Main Street Core."
9. The applicant is required to 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.).
10. The applicant is to comply with 30-120(.6)(c), relating to buffers and shall comply with all DERM permit approval requirements.
11. The applicant shall comply with 30-120.6(h) relating to utilizing a 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 specific detailed information regarding school time starts. The applicant shall be required to continue the three staggered start times proposed in the traffic analysis submitted.
12. The applicant shall comply with 30-120.6(i) relating to fencing and shall provide a specific, detailed fence plan consistent with Code requirements. Moreover, the plans are to reflect a detailed gate plan closing off the private service road (drop-off area) – for the multipurpose use area.
13. The applicant is to comply with the street tree requirements and street improvement requirements of 30-50.18(e) – Minor Street Core/Center, Street Type 3, and

the Village's adopted "Street Improvement Standards for FT&I District. Compliance will require either construction or a bond to ensure future construction and compliance. The roadways must also be dedicated prior to the issuance of a building permit.

14. The application shall come into compliance with any recommendations provided by the Miami-Dade County's Department of Public Works.



A handwritten signature in black ink, which appears to be "Darby Delsalle", is written over a horizontal line. The signature is somewhat stylized and loops around the line.

Darby Delsalle, AICP  
Director of Planning and Zoning Department