



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: 2

A. INTRODUCTION

- **STAFF REPORT NOTATION:** This application request was initially read into the record at the October 17, 2011 Zoning Hearing at which time a staff report dated October 17, 2011 was formally submitted into the public hearing record. The item was continued before oral arguments were presented in order to afford the applicant additional time to provide necessary documentation to complete their application request. The foregoing report is reflective of that effort and shall supersede the previous report dated October 17, 2011. The previous report shall remain part of the public record and henceforth be considered found at Attachment "I" of this report.
- **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

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As County Zoning Resolution 2-ZAB-512-64 was rescinded it is not longer maintained in Miami-Dade County records.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 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] 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 97th Avenue and SW 180th 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 Enterprise Zone. [See exhibit A, entitled "Enterprise 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 59 vehicle stacking spaces during school drop-off and pick-up times. The revised project as submitted, date stamped November 15th, 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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 6 to 18 dwelling units per gross acre
 FAR .5 average for non-residential uses

Neighborhood Mixed-Use
 6 to 18 dwelling units per gross acre
 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 in Attachment I entitled "Enterprise Zone" Map].

The applicant's intersection analysis of their traffic study, including the PM peak period analysis was found to be acceptable by the Village's traffic engineer consistent with Miami-Dade County's Public Works Department's (MDPW) preliminary recommendations noted in their E-mail dated November 17, 2011 (Attachment II). Because of the LOS exemption identified above, this condition cannot result in a denial decision by the council.

FINDING Consistent in so far as the project is not subject to LOS concurrency, however any approval should include the recommendations as provided in MDPW's final approval of the traffic study, any conditions suggested in their E-mail dated November 17, 2011, and any final other recommendations issued as part of their final report.

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. 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

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. 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

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 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 nonclassroom, administrative office space; g. Total square footage of nonclassroom, 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: In preparation for the October 17, 2011 Zoning Hearing, the applicant initially submitted two School Board approved charters for sites located in Homestead. At that hearing the applicant requested a continuance so that those two charters could be reassigned to the property subject to this request, however, per the applicant, the October School Board meeting set to hear the reassignment was canceled and rescheduled to

a December 2011 date. Subsequently, the applicant replaced the two Homestead Charters from this application with three (3) new charter school applications (a 750 Student elementary school, a 525 student middle school, and an 800 student High school) that have not as of yet been heard by the School Board. The School Board approval process for charter schools requires two public hearings the first of which is before the Application Review Committee (ARC) and subsequently the School Board itself. The three new applications were heard by the ARC on November 18, 2011 and recommended for approval to the Miami-Dade County School Board (Attachment III). The School Board hearing for final consideration is scheduled for November 23, 2011. Though the three (3) charter school applications to the School Board result in a combined student population of 2,075, the applicant, per their E-mail date November 18, 2011, voluntarily restricts its zoning application to 1,400 students with grade populations as identified on the their zoning application, traffic study, and traffic operations plan.

At the time of the preparation of this report none of the proposed charters have received final approval from the School Board in association with this site. The Village requires an approved charter be submitted with the application. By Village Ordinance, the applicant has fifteen (15) days (November 28, 2011) to submit expert reports and all documentary evidence to be relied upon by the expert that is intended to be presented by the applicant to the Council Any documentation received subsequent to November 28, 2011 may be considered at the discretion of the Council.

Should there be no final charter(s) approved for this site, the Council may deny the application outright for insufficiency, may continue this item pending receipt of an appropriate charter(s); or condition any approval upon receiving an appropriate charter(s) at the time of issuance of building permits. Charter approval is principally an administrative process of the Miami-Dade County School Board. Use of an issued charter must be completed within a year of receipt. A one year extension may be provided by the School Board. Development of a new site may take several years. The applicant has previously argued that the development process would preclude the issuance of a charter prior to development approvals, however it appears that the applicant has since attempted to obtain charter(s) approval from the School Board prior to final Council action. 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), Fla Stat.] 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 1,313 linear feet of stacking space, enough to accommodate 59 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 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 270 parking spaces to serve the entirety of this mixed use development. The project contemplates a surplus of 59 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 by 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 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 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 The Traffic Engineering Study dated January 6, 2001, the Traffic Operations Plan dated November 16, 2001, and the site plan have been found acceptable by the Village’s traffic engineering as per and consistent with the preliminary recommendations of MDPW as per their E-mail dated November 17, 2011. Any further recommendations issued by MDPW in their final report shall be considered incorporated into this report.

FINDING Conditionally consistent provided the site plan and operations of the facility conforms to the site plan date stamped November 15, 2011, the approved traffic engineering study, the submitted Traffic Operations Plan dated November 16, 2011, the recommendations in MDPW’s November 17, 2011 E-mail and, and any conditions suggested in MDPW’s final report on said items.

§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 traffic study addresses school start time and dismissal times providing schedule's based loosely on the facility's elementary, middle and high 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 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(s) issued by the Miami-Dade School Board for the property in question. It thusly becomes incumbent upon the Council to determine whether the submitted application shall be denied, continued to the following public hearing, or be allowed to continue thus conditioning any approval, should the Council be so inclined, upon the applicant's ability to secure the required charter for the property. As stated above, the three (3) charters submitted for consideration by the council are scheduled to be heard by the School Board's ARC on November 18, 2011 and then by the School Board on November 23, 2011. It is worth noting regardless of the Council decision on this matter, should the applicant receive such a charter, then the Council's decision shall be guided as presented in this report.

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", dated stamped received November 15, 2011, as prepared by CIVICA, LLC., with the following conditions:

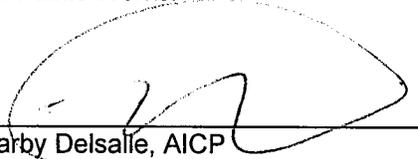
1. The application shall comply with all codes and ordinances of the Village and shall comply with the requirements of all other applicable departments and agencies as part of the Village of Palmetto Bay's building permit submittal process in addition to all design requirements under the FT&I Zoning 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 the site plan and operations of the facility shall conform to the site plan date stamped November 15, 2011, the approved traffic engineering study; the submitted Traffic Operations Plan dated November 16, 2011, the preliminary recommendations in MDPW's November 17, 2011 E-mail, and any conditions recommended in MDPW's final report on said items.
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 approval by the Director of the Planning and Zoning Department.
5. Application shall comply with the all comments provided by the Village's Traffic Engineer.
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 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 a condition of the 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 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.).
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 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.

12. The applicant shall comply with 30-120.6(i) relating to fencing and shall provide specific, detailed fence plan consistent with Code requirements. Moreover, the plans are to reflect, in detail, a gate 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.

14. 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 November 15, 2011, the approved traffic engineering study; the submitted Traffic Operations Plan dated November 16, 2011, the recommendations in MDPW's November 17, 2011 E-mail and, and any conditions suggested MDPW's final report on said items.

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



Darby Delsalle, AICP
Director of Planning and Zoning Department