

Memorandum



Date: April 24, 2014

To: The Board of County Commissioners

From: Developmental Impact Committee
Executive Council

Subject: Developmental Impact Committee Recommendation

APPLICANT: Ferro Development, LLC (Z12-128)

SUMMARY OF REQUESTS:

The applicant seeks to permit a charter school grades K-12 for 3,000 students.

LOCATION: Lying south of SW 8 Street and between SW 152 Avenue and SW 153 Place, Miami-Dade County, Florida.

COMMENTS:

This application went before the Developmental Impact Committee because the applicant is requesting approval for a charter school. Section 33-303.1(D)(7) of the Code of Miami-Dade County charges the Developmental Impact Committee (DIC) to address applications with respect to: (I) conformance with all applicable plans; (II) environmental impact; (III) impact on the economy; (IV) impact on essential services; and (V) impact on public transportation facilities and accessibility.

Charter schools are educational institutions which are authorized and maintained in accord with the provisions of Chapter 1002 and Chapter 1013.35, Florida Statutes, as same may be amended from time to time. All such public charter schools shall be additionally authorized locally by the Miami-Dade County School Board through a process established by that entity for the approval of the charter. Miami-Dade Land Use regulations relating to public charter school facilities are set forth in Sections 33-152 through 162 of the Code of Miami-Dade County which was established in 2004 pursuant to Ordinance 04-108. The purpose of this Section and relevant provisions of the CDMP are to provide standards for land use approval of public charter school facilities pursuant to said Ordinance. In addition, an Interlocal Agreement with the School Board of Miami-Dade County was also established pertaining to the siting of such facilities and is applicable in the unincorporated area.

The meeting of the DIC Executive Council was held on March 21, 2014 and the attached Department memoranda were reviewed and considered by said Committee.

DIC RECOMMENDATION:

Approval with conditions, as set forth in the Department of Regulatory and Economic Resources' recommendation.

The Executive Council is of the opinion that this application will be in keeping with the Comprehensive Development Master Plan designation for the subject property. In addition, the Council found that the approval of this application with conditions will not be contrary to

the public interest, is in keeping with the spirit of the regulations, and will permit the reasonable use of the premises. As such, the Executive Council finds that approval of this application will be **consistent** with the CDMP and **compatible** with the surrounding area.

APPLICATION NO. Z12-128
FERRO DEVELOPMENT, LLC

Respectfully Submitted,

DIC Executive Council
March 21, 2014

Eric Silva, AICP
Sustainability, Planning and Economic Enhancement
Department



AYE

Antonio Cotarelo, Assistant Director
Public Works Department



AYE

Jose Gonzalez, P.E., Assistant Director
Department of Environmental Resources Mgmt



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Bertha M. Goldenberg, Assistant Director
Miami-Dade Water and Sewer Department



AYE

David Henderson, Bicycle/Pedestrian Specialist
Metropolitan Planning Organization



AYE

John Bowers, Parks Property Management Supervisor
Parks, Recreation and Open Spaces



AYE

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to the Development Impact Committee**

PH: Z12-128

DIC Date: March 21, 2014

Recommendation Summary	
Commission District	11
Applicant	Ferro Development, LLC
Summary of Requests	The applicant seeks to permit a charter school for 3,000 students.
Location	Lying south of SW 8 Street and between SW 152 Avenue and SW 153 Place, Miami-Dade County, Florida.
Property Size	8.97 acres
Existing Zoning	BU-1A, Limited Business District
Existing Land Use	Vacant
2020-2030 CDMP Land Use Designation	Business and Office <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with the LUP map, and the interpretative text and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-303.1(D)(7) Developmental Impact Committee, Section 33-311(A)(3), Special Exception, Unusual use and New Uses, Section 33-311(A)(7) Generalized Modification Standards <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval with conditions

REQUESTS:

1. SPECIAL EXCEPTION to permit a charter school.
2. SPECIAL EXCEPTION to waive the spacing requirement for new charter school facilities from the Urban Development Boundary (UDB) to permit:
 - A senior high school within 1 mile of the UDB.
 - A middle school within ½ mile of the UDB.
 - A kindergarten, elementary school within a ¼ mile of the UDB.
3. DELETION of Declaration of Restrictions, recorded in Official Record Book 26712, Pages 0892 – 900.

The purpose of request #3 is to delete a declaration of restriction requiring a landscape buffer and permit the applicant submit a new site plan for a proposed charter school..

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Pinecrest Academy" as prepared by CIVICA, dated stamped received 9/12/13 and consisting of 14 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION AND PROJECT HISTORY:

Pursuant to Resolution # CZAB10-41-08, the subject property was approved to permit a district boundary change from RU-3M, Minimum Apartment House District to BU-1A, Limited Business District. The applicant at that time proffered a Declaration of Restrictions which among other things required that a 15' wide landscape buffer be provided along the southern and western

perimeters of the subject property which should include trees from a variety of categories. The applicant now seeks approval of a charter school for 3,000 students from kindergarten to 12th grade in place of the previously approved commercial development.

The submitted plans depict the proposed kindergarten through 12th grade charter school for up to 3,000 students on the 8.97-acre subject property abutting SW 8 Street (Tamiami Trail) located to the north. In addition, staff notes that Tamiami Trail abuts a portion of the Urban Development Boundary (UDB) which runs east/west and parallel to this roadway in this area of the County.

The plans indicate the phased development of the proposed school comprised of four (4) buildings partially arranged around and buffering the playground areas from the Tamiami Trail to the north. Three (3) of the buildings will be three (3)-stories high at a maximum height of 50' and the gym to be located in the southwest corner of the parcel will be only one-story. The phased development of the site will comprise Phase 1, a 3-story, 67,800 sq. ft. classroom building fronting onto SW 152 Avenue; Phase 2, consists of a 42,000 sq. ft., 3-story classroom building; Phase 3, is a 3-story, 46,800 sq. ft. classroom building along with a 14,000 sq. ft., 2-story cafeteria annex and Phase 4 is the 8,800 sq. ft. one-story gym to be located in the southwest corner of the site abutting SW 153 Place. The plans indicate that the buildings will be interconnected by a covered walkway that also encircles the main playfield area located central to the site that will be buffered from the surrounding roadways, Tamiami Trail, SW 152 Avenue and SW 153 Place by the proposed buildings. Said plans also indicate that combined with a continuous row of trees, the walkway will also visually buffer the playfield area from the residential development located to the south.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	BU-1A; vacant land	Business and Office
North	GU; vacant land	Open Land
South	RU-3M; townhomes	Low-Medium Density Residential (6-13 dua)
East	RU-3M; townhouses	Low-Medium Density Residential (6-13 dua)
West	RU-3M; townhouses	Low-Medium Density Residential (6-13 dua)

NEIGHBORHOOD COMPATIBILITY:

The 8.97-acre subject property is a vacant parcel surrounded by residential uses to the east, south and west. The properties to the north are vacant and are located outside the UDB.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to provide the community with additional education services for up to 3,000 students. However, since the site is vacant the proposed development of the vacant site could have visual, aural and traffic impacts on the surrounding residential developments in this area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The CDMP Land Use Plan (LUP) map designates the 8.97-acre subject property that is located within the Urban Development Boundary (UDB), south of SW 8 Street and between SW 152 Avenue and SW 153 Place for **Business and Office** use. The UDB is located approximately 0.31 miles to the west of the subject parcel and runs along the north side of SW 8 Street which abuts the subject property to the north. The Business and Office category *accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic.*

Additionally, the CDMP Land Use Element interpretative text for Institutions, Utilities and Communications states that *neighborhood or community-serving institutional uses, cell towers and utilities including **schools**, libraries, sanitary sewer pump stations and fire and rescue facilities in particular, and cemeteries may be approved where compatible in all urban land use categories, in keeping with any conditions specified in the applicable category, and where provided in certain Open Land subareas.* For the reasons that will be further explained below, staff opines that the proposed charter school meets the criteria for compatibility outlined in that **Land Use Element Policy LU-4A.**

The CDMP Land Use Element **Objective LU-4** requires the County to *reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and the interpretative text, or with the character of the surrounding community.* Staff notes that **Land Use Element Policy LU-4A** sets forth the criteria to determine compatibility and states that *when evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.* The proposed charter school abuts residential developments to the south, east and west. Additionally, staff notes that the submitted plans for this application depict the proposed phased development of the charter school with adequate landscaping and buffering elements to mitigate any visual or aural impact on the abutting residences to the south, east and west. The submitted plans indicate that the proposed school buildings will setback at least 40' from the rear (south) property line abutting the closest residential development to the site and will be adequately buffered by a minimum 10' wide landscape buffer consisting of a row of trees, 12' high at the time of planting and a continuous hedge along said property line. In addition, the play area that is also located central to the site will be surrounded by the buildings on all sides except the south side, which will abut a covered walkway that abuts a separate row of trees along the south side of the walkway. Therefore, staff opines that any visual or aural impact of the play areas on the residences to the south will be adequately mitigated by the covered

walkway and the dual row of trees between the play area and the rear (south) property line abutting the residences.

Staff notes that to mitigate any potential traffic impact the charter school will be required to comply with the Traffic Operations Plan (TOP) and have three (3) staggered arrival and dismissal times separated by a minimum of twenty (20) minutes. The applicant has submitted a TOP indicating a thirty (30) minute separation between the arrival and dismissal times for the proposed charter school for 3,000 students. However, based on the comments outlined in the Public Works and Waste Management's (PWWM), Traffic Engineering Division memorandum dated April 1, 2014, staff opines that the approval of the charter school to accommodate 3,000 students would be too intensive and would be incompatible with the surrounding area based on the criteria outlined in the **CDMP Land Use Element Policy LU-4A**. Said memorandum recommended approval of the application, subject to the fulfillment of requirements outlined in its memorandum; and that prior to the expansion of the school above 2,100 students, the applicant must obtain a conditional release memorandum authorizing the expansion from both the PWWM and the Department of Regulatory and Economic Resources (RER) as contained in said memorandum. Said memorandum also requires the applicant to provide a revised TOP for 2,100 students based on the conditions outlined for a phased expansion of the charter school. As such, staff opines that with these and other conditions that will be outlined, approval with conditions of the proposed charter school would be **compatible** with the surrounding area based on the **Land Use Element Policy LU-4A** compatibility criteria.

The applicant is also requesting to permit a kindergarten through high school charter school within a 1/4 mile of the Urban Development Boundary (UDB). The **CDMP Educational Element Policy EDU-3A** states that new elementary schools should be located at least 1/4 mile inside the UDB; middle schools should be located at least 1/2 mile inside the UDB and new senior high schools should be located at least one (1) mile inside the UDB. Further, said Policy states that in substantially developed areas of the County where suitable sites in full conformance with the foregoing are not available and a site or portion of a site for a new school must encroach closer to the UDB, the majority of the site should conform with the foregoing location criteria and the principal school buildings and entrances should be placed as far as functionally practical from the UDB.

The proposed charter school comprised of grades K through 12 does not meet the criteria of **Educational Element Policy EDU-3A**, because the charter school will be located less than a quarter-mile from and inside the UDB which runs parallel to the abutting roadway located to the north of the subject property. However, staff notes that the applicant has submitted documentation regarding the proximity of the charter school to the UDB, which is located to the north of the subject site. The applicant indicates that the majority of the parcels located within a mile of the subject site are developed or approved for development and that no other site located at least one (1) mile from the UDB that would be suitable for the proposed charter school comprised of elementary, middle and high school use. The site plan submitted in conjunction with this application depicts a U-shaped building with the main entrances to the school located on the east and west elevations away from the UDB. Staff opines that the design of the building and location of the entrances away from the UDB is consistent with **Educational Element Policy EDU-3A** which states that *the principal school buildings and entrances should be placed as far as functionally possible from the UDB*.

Based on the foregoing analysis, staff opines that the approval with conditions of the application which would allow the development of the charter school for elementary, middle and high school

students less than required from the UDB would be **compatible** with the area based on the criteria outlined in CDMP Land Use Element **Objective LU-4** and would be **consistent** with the CDMP **Educational Element Policy EDU-3A** and therefore **consistent** with the CDMP Land Use Plan map **Business and Office** designation for the subject property.

ZONING ANALYSIS:

When analyzing request #1 to permit a charter school and request #2, to waive the space requirement for new charter school facilities from the Urban Development Boundary (UDB) in order to permit the facility containing grades from kindergarten to 12th grade under Section 33-311(A)(3) **Special Exceptions**, Unusual Uses and New Uses, based on the foregoing analysis, staff is of the opinion that the approval of the requests with conditions would be **compatible** with the surrounding area. Further, staff opines that based on the memoranda submitted by the departments reviewing the application, approval of the requests would not have an unfavorable effect on the economy of Miami-Dade County, will not tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people. The Division of Environmental Resources Management of the Department of Regulatory and Economic Resources memorandum indicates that approval will not result in a reduction in the LOS standards for potable water service, wastewater disposal, or stormwater management. Additionally the memorandum from the Miami-Dade Fire Rescue Department does not indicate that the expansion will have a negative impact on fire rescue services in the area. Staff notes that the memoranda submitted by the Departments of Park, Recreation and Open Spaces, Water and Sewer, and Transit indicate no objection to the application. Based on the aforementioned department memoranda, staff opines that the requests will not result in, among other things, excessive noise or cause undue or excessive burden on public facilities.

As part of this application, the applicant submitted a Technical Memorandum, Traffic Impact Study, Site plans and a School Traffic Operations Plan for the Traffic Engineering Division (TED) of the Public Works and Waste Management (PWWM) to review. The applicants have indicated that the proposed 400 students will be distributed in the following manner: grades Kindergarten – 5th = 1,200 students, grades 6th – 8th = 200 students and grades 9th – 12th = 1,200 students. The submitted Traffic Impact Study indicates that the applicants will utilize a staggered start in order to accommodate the increase in student count. Staff opines that the proposed three (3) staggered arrival and dismissal times separated by thirty (30) minutes will help to alleviate any potential increase in traffic in the surrounding area. The submitted study details how the arrival and dismissal times will function. The applicant's Trip Generation Study indicates that the proposed charter school will generate 5,702 less daily trips during an average weekday condition than the shopping center that was previously approved on the parcel pursuant to Resolution #CZAB10-41-08. According to the study, the shopping center would have generated between 11,791 and 13,142 daily trips, between 265 and 290 AM peak hour trips and between 1,024 and 1,083 PM peak hour trips.

The PWWM has indicated in its memorandum dated April 1, 2014, that the TOP submitted by the applicant on March 13, 2014 must be revised to reflect the conditionally allowed student enrollment of 2,100 to arrive and dismiss within the three (3) proposed shifts. Further, its memorandum states that the application will generate 510 PM Peak Hour trips based on the Institute of Traffic Engineering (ITE) standards and will not exceed the Level of Service (LOS) on the surrounding roadways which currently range between LOS "C" and LOS "D". Therefore, its memorandum indicated that the application meets the Traffic Concurrency criteria. However, said Department indicated in its memorandum certain requirements that need to be met by the

applicant among which are that a declaration of restrictions in favor of Miami-Dade County Public Works and Waste Management Department must be recorded in the official records of Miami-Dade County prior to the date of the school opening; roadway shall be constructed prior to the school opening, the school must operate a minimum of 12 bus trips to fulfill the 20% student body bussing stated within the traffic study and police control at the intersection of SW 10 Street and SW 153 Place and at the site driveway #2 is required in addition to SW 8 Street access.

Additionally, the PWWM expressed some concerns with the site plans including the proposed right-turn bay in Driveway 1 and the two-lane, one-way cross section for by-pass operations adjacent to the passenger loading zone area. Based on the information and conditions outlined in its memorandum, the PWWM recommended approval of the application, subject to the fulfillment of requirements outlined in its memorandum; and that prior to the expansion of the school above 2,100 students, the applicant must obtain a conditional release memorandum authorizing the expansion from both the PWWM and the Department of Regulatory and Economic Resources (RER) as contained in said memorandum. Therefore, based on the aforementioned analysis, staff opines approval with conditions of the application would not have a negative impact on traffic on the abutting roadways and would be **compatible** with the surrounding area.

The applicant's request to waive the spacing requirement for new charter school facilities from the Urban Development Boundary (UDB) (request #2) must also be analyzed under the Limitations on the Siting of Public Charter School Facilities, Section 33-154(c), of the Code. Said regulations require the applicant to demonstrate that within a half-mile radius of the outer boundaries of the proposed new school or expansion that: (1) the majority of the lots lying within the radius are developed or are approved for development, and (2) there are no other lots within the radius that are available for development that meet the requirements of a minimum distance of one mile from the UDB.

Additionally, Section 33-154(c) requires that the majority of the site, the proposed buildings' ground floor square footage and the building and entrances into the buildings are required to be located as far as practicably possible from the UDB. As previously noted, the submitted plans depict the U-shaped building with the main entrances to the school located on the east and west elevations away from the UDB. Staff opines that in addition to satisfying the CDMP Educational Policy requirement, the siting of the entrances to the school as far away as physically possible from the UDB also meets the requirement of Section 33-154(c) of the Code.

Staff notes also that the applicant has submitted documentation regarding the proximity of the charter school to the UDB, which runs parallel to the roadway abutting the north property line of the subject site. The applicant indicated that the majority of the parcels located within a half-mile of the subject site are developed or approved for development and that there is no other site located at least one (1) mile from the UDB that would be suitable for the expansion of the existing charter school use. **As such, staff opines that the request #2 to permit a charter high school within one-mile of the UDB; to permit a charter middle school within a ½ mile of the UDB and to permit an elementary charter school within a ¼ mile of the UDB, meets the requirements of Section 33-154(c) and recommends approval with conditions.**

Therefore, when considering the necessity for and reasonableness of the applied for use in relation to the present and future development of the area and the compatibility of the applied for use with the area and its development, staff opines that the proposed charter school is

compatible with the same based on the reasons stated above. **As such, staff recommends approval with conditions of request #1 and #2 under Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses.**

The applicant also seeks approval to delete a previously recorded declaration of restrictions (request #3) in order to remove a requirement for a 15' wide landscape buffer along the south and western property lines. This would allow the applicant to submit plans for the charter school showing a 10' wide landscape buffer along the rear (south) property line for the proposed charter school. When this request is analyzed under Section 33-311(A)(7), Generalized Modification Standards staff opines that for the reasons previously stated, approval would be **compatible** with the residential uses in the surrounding area. Further, based on the memoranda from the Departments reviewing the application including the Miami-Dade Fire Rescue and other departments, approval of the application will not generate excessive noise, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned. **Based on the aforementioned, staff recommends approval with conditions of request #3 under Section 33-311(A)(7) Generalized Modification Standards.**

ACCESS, CIRCULATION AND PARKING: The submitted plans indicate three (3) ingress/egress drives along the western property line abutting SW 153 Court and one (1) emergency vehicle ingress/egress gate along the eastern property line abutting SW 152 Avenue. The applicant has provided 9 more parking spaces than the required 274 parking spaces for the 3,000 students and staff of the proposed charter school. Additionally, the submitted plans indicate 98 stacking spaces for the drop off and pick-up of students within the subject property which staff opines is adequate to accommodate the number of students and staff.

NEIGHBORHOOD SERVICES PROVIDER REVIEW:

Aviation

The Miami-Dade County Aviation Department (MDAD) has no objections to this application.

Division of Environmental Resources Management (Department of Regulatory and Economic Resources)

The Division of Environmental Resource Management (DERM) does not object to this application subject to conditions after a review for compliance with the requirements of Chapter 24 of the Code of Miami-Dade County.

The DERM memorandum states that a concurrency review has been conducted for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein. Its memorandum indicates that the property is located within the Miami-Dade Water and Sewer Department's water and sewer franchised service areas. The DERM memorandum indicates that the subject property is located within the Bird Drive Wetland Basin and is a wetland as defined in Section 24-5 of the Code; therefore, a Class IV Wetland Permit will be required before any work can be done on the subject property. Said memorandum also states that a Berm with the minimum elevation of

+8.60 feet NGVD along the property lines with equivalent grading to match the required berm elevation at all roadway entrances shall be provided. Its memorandum further indicates that the applicant is required to comply with the tree permitting requirements and must meet the standards of Section 24.49.9 of the Code that includes the submittal of a tree survey.

Miami-Dade Fire Rescue

The Miami-Dade Fire Rescue Department (MDFRD) does not object to this application.

Its memorandum indicates that the proposed development could generate approximately 117 fire and rescue calls annually. The department states that the estimated number of alarms would result in a moderate impact to the existing fire and rescue service and current stations serving the area will be able to handle the additional number of alarms. The average travel time to the vicinity of the proposed development is 4:54 minutes (based on 2012 data). Travel time to the vicinity of the proposed development complies with the national performance objective.

Miami-Dade Police Department

The Miami-Dade Police Department (MDPD) does not object to this application. Its memorandum indicated that based on data pertaining to the charter school, it cannot be projected as to any increase in calls for service. However, the MDPD memorandum indicates that experience lends itself to anticipate that when additional citizens are present in the area, traffic increases, truants may be present and calls for service may rise. The MDPD memorandum also stated that current staffing should accommodate any slight increase in the volume of calls for service. Its memorandum also encouraged the applicant and developers to work with police during any future application, design or construction changes to determine the best possible solutions or security options.

Miami-Dade Transit

The Miami-Dade Transit Department (MDT) has no objections to this application.

Its memorandum indicates that the proposed development meets the mass transit Level-Of-Service standards established for Miami-Dade County. The MDT indicates in its memorandum that there is no direct transit service currently serving this site. However, its memorandum indicates that the planned transit improvements as identified in the 2023 Recommended Service Plan will accommodate the transit demand generated by the proposed development.

Parks, Recreation and Open Spaces

The Miami-Dade Parks, Recreation and Open Spaces Department (MDPROS) does not object to this application.

The MDPROS indicates in its memorandum that the application does not generate any residential population applicable to CDMP Open Space Spatial Standards; therefore, the Department has no pertinent comments concerning impact or demand on existing County parks.

Public Works and Waste Management Department (Traffic Engineering Division):

The Public Works and Waste Management Department (Traffic Engineering Division) recommends approval of the application, subject to the fulfillment of requirements outlined in its memorandum; and that prior to the expansion of the school above 2,100 students, the applicant must obtain a conditional release memorandum authorizing the expansion from both the PWWM and the Department of Regulatory and Economic Resources (RER) as contained in its memorandum dated April 1, 2014. Said memorandum also requires the applicant to

provide a revised TOP for 2,100 students based on the conditions outlined for a phased expansion of the charter school.

Its memorandum indicates that the anticipated trip generation based on ITE is 510 PM Peak Hour trips generated by this development; however, the traffic distribution of these trips will not exceed the acceptable Levels of Service (LOS) on the surrounding roadways. According to the CDMP the peak period means the average of the two (2) average consecutive hours of traffic volume during the weekday, which is the PM peak hour.

- SW 8 Street east of Krome Avenue will remain at LOS "C".
- SW 8 Street east of SW 147 Avenue will remain at LOS "D".
- SW 152 Avenue south of SW 8 Street will remain at LOS "C".
- SW 72 Street west of SW 157 Avenue will remain at LOS "D".
- SW 157 Avenue north of Kendall Drive will remain at LOS "C".

Its memorandum further states that the subject property will require platting in accordance with Chapter 28 of the Miami-Dade County Code.

As a condition for approval also, the PWWM requires that prior to expanding above 2,100 students, the applicant must obtain a conditional release memo authorizing the expansion from both PWWM and RER as contained in the PWWM memorandum dated April 1, 2014. The purpose of this memorandum is to confirm that all roadways, intersections and side streets that may be blocked by a queue are operating at acceptable school's AM and PM Levels of Service. The PWWM has indicated in its memorandum dated April 1, 2014, that the applicant must provide a revised TOP for 2,100 students based on the conditions outlined for a phased expansion of the charter school. However, said Department indicated in its memorandum that a declaration of restrictions in favor of Miami-Dade County PWWM Department must be recorded in the official records of Miami-Dade County prior to the date of the school opening; off-site improvements shall be constructed prior to the school opening, the school must operate a minimum of 12 bus trips to fulfill the 20% student body bussing stated within the traffic study, and police control at the intersection of SW 10 Street and SW 153 Place and at the site driveway #2 is required in addition to SW 8 Street access.

Additionally, the PWWM expressed some concerns with the site plans including the proposed right-turn bay in Driveway 1 and the two-lane, one-way cross section for by-pass operations adjacent to the passenger loading zone area.

Public Works and Waste Management Department (Fiscal, Planning and Performance Management Division)

The Public Works and Waste Management Department, Fiscal, Planning and Performance Management Division does not object to this application.

Its memorandum indicates that the school will likely be considered a commercial establishment per Chapter 15 of the County Code. The PWWM memorandum indicates that the Department does not actively compete for commercial waste collection service at this time and that waste collection services may be provided by a private hauler, therefore, this application will have no impact or any associated costs.

Water and Sewer Department

The Miami-Dade County Water and Sewer Department (MDWASD), has no objections to this application subject to the conditions outlined in its memorandum dated September 26, 2013. Its memorandum indicates that the subject property is located within the MDWASD service area for water and sewer services within the Urban Development Boundary (UDB).

Miami-Dade County Public Schools

The Miami-Dade County Public Schools does not object to this application.

Its memorandum indicates that the contract status for the charter school has been approved and is awaiting final execution. .

OTHER: Not applicable.

RECOMMENDATION:
Approval with conditions.

CONDITIONS FOR APPROVAL :

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Pinecrest Academy" as prepared by CIVICA, dated stamped received 9/12/13 and consisting of 14 sheets.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant submits to the Department of Regulatory and Economic Resources for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Occupancy.
5. That the applicant shall comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the Public Works and Waste Management Department as may be contained in its memorandum dated, 04/01/14.
6. That prior to expanding above 2,100 students, the applicant must obtain a conditional release memo authorizing the expansion from both PWWM and RER as contained in the PWWM memorandum dated April 1, 2014. The purpose of this memorandum is to confirm that all roadways, intersections and side streets that may be blocked by a queue are operating at acceptable school's AM and PM Levels of Service.

7. That the Traffic Operation Plan (TOP) dated March 13, 2014, must be revised to reflect the conditionally allowable (K-12th) student enrollment of 2,100 to arrive and dismiss within the three (3) proposed shifts.
8. That the applicant shall provide an annual traffic report, to be submitted to, and reviewed by PWWM and RER prior to the issuance of the annual Certificate of Use that verifies compliance with the approved TOP.
9. That the applicant comply with all the applicable conditions, requirements, recommendations, requests and other provisions of the Division of Environmental Resources of the Department of Regulatory and Economic Resources as contained in its memorandum dated February 28, 2014.
10. That the applicant comply with all the applicable conditions, requirements, recommendations, requests and other provisions of the Miami-Dade Police Department as contained in its memorandum dated November 21, 2012.
11. That the landscaping and wall abutting the residential uses located to the south be installed prior to the issuance of a Certificate of Use for the building completed in phase 1 of the development.
12. That the school gates be opened at least 45 minutes prior to the arrival and dismissal times.
13. That the northbound left turn lane improvements along the portion of SW 152 Avenue abutting the school property be installed prior to the issuance of a Certificate of Use for the building completed in phase 1 of the development.
14. That the charter school use be limited to grades Kindergarten through 12th and be limited to a maximum of 3,000 students.
15. That there will be staggered shifts at arrival/dismissal times for students at the charter school, separated by a minimum of 30 minutes. The arrival and dismissal times shall be as follows:

Arrival Times

7:30 a.m. to 8:00 a.m.
8:00 a.m. to 8:30 a.m.
8:30 a.m. to 9:00 a.m.

Departure Times

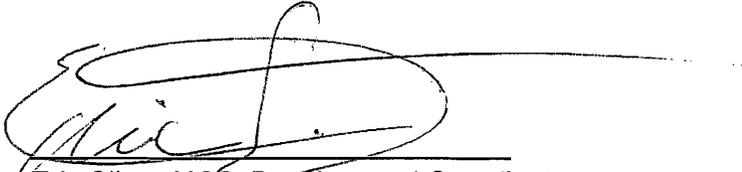
2:30 p.m. to 3:00 p.m.	Grades 9-12
3:30 p.m. to 4:00 p.m.	Grades 6-8
3:00 p.m. to 3:30 p.m.	Grades K-5

16. That the owner shall have trained personnel on site to manage the traffic operations during the arrival and dismissal period.
17. That in coordination with the MDPD, the owner shall provide school crossing guards on the appropriate streets surrounding the school as necessary during start and dismissal times.

18. That police control at the intersection of SW 10 Street and SW 153 Place and at the site driveway number 2 is required.
19. That a minimum of 20% of all students attending the school be required to be bussed to and from the school.
20. That at time of yearly renewal of Certificate of Use, the applicant shall submit to the Department of Regulatory and Economic Resources a letter from the principal of the school detailing the number of students and the grade levels that are currently enrolled in said facility.
21. That the applicant shall provide an annual traffic report to be submitted and reviewed by the Public Works and Waste Management Department and the Department of Regulatory and Economic Resources prior to the issuance of the annual Certificate of Use, that verifies compliance with the approved TOP.
22. That at the time of Certificate of Use renewal and with each subsequent renewal, the owner shall submit to the Department of Regulatory and Economic Resources a letter or approved form from the Public Works and Waste Management Department showing that the school facility is in compliance with the traffic impact study and the Traffic Operations Plan (TOP) that was submitted as part of the hearing application.
23. That no outside speakers other than in connection with emergency systems shall be permitted on the property.
24. That the waste pick-up for the charter school shall be performed by a private commercial entity and shall be limited to pick-up between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except during arrival and dismissal times.
25. That night activities and/or special events shall be limited to twelve (12) events per year and shall end no later than 10:00 PM.
26. That the outside lighting shall be permitted with the proper shielding according to Miami-Dade County Code.
27. That if the charter school fails after establishment, the owner, within thirty-six months of the charter school's closure shall:
 - a) Cause the charter school to be in full compliance with all zoning regulations applicable to the Property allowing a use other than the charter school.
 - b) Transfer the opinion of the charter school to another charter school operator or to the Miami-Dade County School Board after securing the necessary approvals from the Miami-Dade School Board; or
 - c) Convert the charter school to a permitted use within the zoning district applicable to the property, provided said use has first been authorized through the issuance of the appropriate permits from the Department; or

- d) Secure necessary public hearing approvals to convert the charter school to a use not otherwise permitted within the zoning district applicable to the property.

ES:MW:NN:JV:CH

A handwritten signature in black ink, appearing to read "Eric Silva", is written over a horizontal line. The signature is stylized and extends to the right.

Eric Silva, AICP, Development Coordinator
Development Services Division
Miami-Dade County
Department of Regulatory and Economic Resources

ZONING RECOMMENDATION ADDENDUM

Ferro Development, LLC
Z12-128

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Division of Environmental Resource Management (RER)	No objection
Public Works and Waste Management (Traffic Engineering Division)	Pending
Public Works and Waste Management (Waste Operations)	No objection
Parks, Recreation and Open Spaces	No objection
Fire Rescue	No objection
Police	No objection
Aviation	No objection
Schools	No objection
*Subject to conditions in their memorandum.	

COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

<p>Business and Office (Page I-41)</p>	<p><i>This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.</i></p>
<p>Institutions, Utilities and Communications (Pg. I-53)</p>	<p><i>Neighborhood or community-serving institutional uses, cell towers and utilities including schools, libraries, sanitary sewer pump stations and fire and rescue facilities in particular, and cemeteries may be approved where compatible in all urban land use categories, in keeping with any conditions specified in the applicable category, and where provided in certain Open Land subareas. Compatibility shall be determined in accordance to Policy LU-4A. Co-location of communication and utility facilities are encouraged. Major utility and communication facilities should generally be guided away from residential areas; however, when considering such approvals, the County shall consider such factors as the type of function involved, the public need, existing land use patterns in the area and alternative locations for the facility. All approvals must be consistent with the goals, objectives and policies of the Comprehensive Development Master Plan.</i></p>

ZONING RECOMMENDATION ADDENDUM

Ferro Development, LLC
Z12-128

Educational Element Policy EDU-3A (Pg. X-5)	<i>It is the policy of Miami-Dade County that the Miami-Dade County Public Schools shall not purchase sites for schools nor build new schools outside of the Urban Development Boundary (UDB), and that new elementary schools constructed should be located at least 1/4 mile inside the UDB; new middle schools should be located at least 1/2 mile inside the UDB, and; new senior high schools should be located at least one mile inside the UDB. In substantially developed areas of the County where suitable sites in full conformance with the foregoing are not available and a site or portion of a site for a new school must encroach closer to the UDB, the majority of the site should conform with the foregoing location criteria and the principal school buildings and entrances should be placed as far as functionally practical from the UDB. The same criteria of this paragraph that apply to public schools also pertain to private schools.</i>
Land Use Policy LU-4A (Page I-11)	<i>When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.</i>

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311(A)(3) Special Exception, Unusual and New Uses	<i>Special exceptions (for all applications other than public charter schools), unusual and new uses. Hear application for and grant or deny special exceptions, except applications for public charter schools; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.</i>
Non-Use Variances From Other Than Airport Regulations. Section 33-311(A)(4)(b)	<i>Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.</i>
Section 33-311(A)(7) Generalized Modification Standards	<i>The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.</i>

ZONING RECOMMENDATION ADDENDUM

*Ferro Development, LLC
Z12-128*

<p>33-153 Public hearing required in all districts</p>	<p><i>The establishment, expansion or modification of a charter school facility is permitted in any zoning district after public hearing upon demonstration that the standards established in this article have been met. Any existing covenant or declaration of restrictions relating to an existing charter school facility shall be modified or deleted only in accordance with the provisions of Article XXXVI of this code.</i></p>
<p>33-154 Limitations on the siting of public charter school facilities</p>	<p>a) <i>New kindergarten, elementary, middle and senior high charter school facilities as well as the expansion of existing charter school facilities shall be prohibited on sites located outside the Urban Development Boundary (UDB), as established in the Comprehensive Development Master Plan.</i></p> <p>(b) <i>Except as provided in subsection (c) below, the following new charter school facilities and the expansion of such facilities shall be located inside the UDB and spaced from the UDB as follows:</i></p> <p style="padding-left: 40px;">(1) <i>Kindergarten, Elementary school: at least ¼ mile inside the UDB</i> (2) <i>Middle school: at least ½ mile inside the UDB</i> (3) <i>Senior high school: at least one mile inside the UDB.</i></p> <p>(c) <i>A proposed new kindergarten, elementary, middle, or senior high charter school facility, or the expansion of an existing charter school site, inside but closer to the UDB than indicated in (b) above, may be approved at public hearing, when it is demonstrated that within a one-half mile radius of the outer boundaries of the proposed new charter school or charter school expansion site:</i></p> <p style="padding-left: 40px;">(1) <i>that the majority of the lots, parcels or tracts lying within the radius are developed or approved for development; and</i> (2) <i>there are no other lots, parcels or tracts within the radius that are available for development that meet the requirements of subsection (b) above and that meet all the requirements of this article.</i></p> <p><i>Approval of such a site shall require that the majority of the subject site and the proposed buildings' ground floor square footage be located in accordance with (b) above, and that the principal buildings and entrances be placed as far from the UDB as possible.</i></p> <p>(d) <i>For purposes of establishing the distances provided by this section, the applicant shall furnish a certified survey from a registered surveyor, as well as a proposed site plan, which shall indicate that the distance requirements of this section have been met.</i></p>
<p>33-314(C)(11) Direct applications to the County Commission</p>	<p>(C) <i>The County Commission shall have jurisdiction to directly hear other applications as follows:</i></p> <p style="padding-left: 40px;">(11) <i>Hear application for and, upon recommendation of the Developmental Impact Committee, grant or deny those special exceptions for public charter school facilities permitted by the regulations only upon approval after public hearing, provided the applied for special exception, in the opinion of the Board of County Commissioners, is found to be in compliance with the standards contained in Article XI and <u>Section 33-311(A)(3)</u> of this code.</i></p>

ZONING RECOMMENDATION ADDENDUM

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Z12-128*

33-314(C)(12) Direct applications to the County Commission	<i>C) The County Commission shall have jurisdiction to directly hear other applications as follows: (12) Applications for public charter school facilities and expansions or modifications to existing public charter school facilities.</i>
33-303.1(D)(19) Developmental Impact Committee	<i>Review and make recommendations to the Board of County Commissioners on all applications for public charter school facilities and all applications for expansions or modifications to existing public charter school facilities.</i>