

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to the Board of County Commissioners**

PH: Z12-156 (16-6-CC-2)

July 21, 2016

Item No. A

Recommendation Summary	
Commission District	07
Applicant	Lones Family Limited Partnership, Et. Al.
Summary of Requests	The applicants are requesting to establish a charter school on the subject property for 1,260 students in grades K-8. Additionally, the applicants are requesting to permit parking within 25' of the right-of-way, to permit fewer parking spaces, and to permit a covered terrace setback less than permitted.
Location	Lying west of SW 97 Avenue and on both sides of SW 96 Street, Miami-Dade County, Florida.
Property Size	8 Acres
Existing Zoning	EU-1, Single-Family One Acre Estate District
Existing Land Use	Educational facility
2020-2030 CDMP Land Use Designation	Low Density Residential (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Inconsistent with the LUP map, and the interpretative text and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(3), Special Exception, Unusual use and New Uses, Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations. <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Denial without prejudice.

REQUESTS:

REQUEST 1 THROUGH 3 ON PARCEL A

- (1) SPECIAL EXCEPTION to permit a charter school, grades K-8.
- (2) NON-USE VARIANCE to permit certain parking areas and drives located within 25' of an official right-of-way (not permitted).
- (3) NON-USE VARIANCE to permit 42 parking spaces (70 parking spaces required).

REQUEST 4 THROUGH 7 ON PARCEL B

- (4) SPECIAL EXCEPTION to permit a charter school, grades K-2.
- (5) NON-USE VARIANCE to permit certain parking areas and drives located within 25' of an official right-of-way (not permitted).
- (6) NON-USE VARIANCE to permit certain parking spaces on a surface of grass pavers (hard surface required).
- (7) NON-USE VARIANCE to permit the covered terrace to setback 18' (25' required) from the side street (south) property line.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Somerset Academy at Pinewood Acres" as prepared by Civica Architecture & Urban Design, dated stamped received 3/4/16 and consisting of 15 sheets. Plans may be modified at public hearing.

PROJECT HISTORY AND DESCRIPTION:

The subject property, which is comprised of two parcels (A and B) lying west of SW 97 Avenue and on both sides of SW 96 Street, has received several approvals since 1952 for a private school and daycare. In July 1996, the subject site was approved for several non-use variances to the zoning regulations as well as requests for a special exception to permit a private school grades 1 through 6 in conjunction with a previously approved day nursery/kindergarten and requests for an unusual use to permit a summer day camp and a day nursery, pursuant to Resolution #5-ZAB-207-96. In 2010, the subject property was approved to permit a day nursery and private school including Grades K-8 for 290 students, along with other requests to modify the previously approved plans, pursuant to Resolution #CZAB12-23-10.

The applicants now seek to establish a charter school on the subject property for 1,260 students in grades K-8. Additionally, the applicants are requesting to permit parking within 25' of the right-of-way, to permit fewer parking spaces, and to permit a covered terrace setback less than permitted.

The submitted plans depict the school buildings located on both sides of SW 96 Street (Parcel A to the south and Parcel B to the north), which will be developed in three phases. Said buildings contain classrooms, two library rooms, a covered courtyard and administrative offices. All of the buildings on the school campus on both sides of SW 96 Street are interconnected by covered walkways that unify the buildings and provide teachers and students with protection from the elements. The buildings do not exceed 35' in height, which is in keeping with the maximum height permitted by the EU-1 zoning district and the adjacent EU-M zoning district. A large outdoor play area including a basketball court is located on the parcel south of SW 96 Street (Parcel A) internal to the site.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	EU-1; private school and day nursery	Low Density Residential, 2.5 to 6 dua
North	EU-M; single-family residences	Low Density Residential, 2.5 to 6 dua
South	EU-1 and GU; single-family Residences and golf course	Low Density Residential, 2.5 to 6 dua Parks and Recreation
East	EU-1; single-family residences	Estate Density Residential, 1 to 2.5 dua
West	EU-1; single-family residences	Low Density Residential, 2.5 to 6 dua

NEIGHBORHOOD COMPATIBILITY:

The subject property is located west of SW 97 Avenue and on both sides of SW 96 Street. The surrounding area is characterized by single-family residences and a golf course.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicants to establish a charter school on the subject property which will provide additional student stations and public school options for families in the surrounding area and beyond. However, the requests could impact the surrounding residential area with additional traffic.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is designated as **Low Density Residential** on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. The CDMP Land Use Element interpretative text for Residential Communities indicates that neighborhood and community services, including **schools**, are permitted only when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood. The applicants are requesting to establish a charter school on the subject property for 1,260 students. Additionally, the applicants are requesting to permit parking and drives within 25' of rights-of-way, to permit fewer parking spaces, and to permit a covered terrace setback less than allowed.

Another section of the CDMP Land Use Element interpretative text for Institutions, Utilities and Communications indicates 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. Compatibility shall be determined in accordance to Policy LU-4A.* Further, the **Land Use Element Policy LU-4A** sets forth the criteria to determine compatibility and states *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.* Additionally, **Policy LU-4C** of the CDMP's interpretative text states that *residential neighborhoods shall be protected from intrusion by uses that would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive density, noise, light, glare, odor, vibration, dust or traffic.* Staff opines that an efficient and functional traffic circulation pattern is an essential component of a charter school use in order to avoid traffic conflicts within the site during arrival and dismissal times and traffic spilling onto the area roadways.

Staff analysis of the traffic data for adjacent area roadways, provided in the Traffic Engineering Division (TED) of the Department of Transportation and Public Works memorandum, shows a potential negative impact being created by the proposed 1,260 or 840 students. Staff's traffic area analysis for the proposed 1,260 students (Exhibit A) show an additional 935 new trips. Specifically, SW 97 Avenue (North of site from SW 97 Street to SW 88 Street) will have a 29% increase in volume of trips (403 more trips). Additionally, SW 97 Avenue (South of site from SW 97 Street to SW 104 Street) will have a 39% increase in volume of trips (532 more trips). Furthermore, according to said traffic area analysis, some neighborhood roadways will be

severely impacted by the proposed 1,260-student charter school. Specifically, SW 96 Street (East from SW 97 Avenue to SW 92 Avenue) will have a 64% increase in volume of trips (76 more trips). Staff opines that the proposed charter school use with 1,260 students will negatively impact the traffic in the surrounding and immediate area.

Likewise, staff opines that approval of the subject application with 840 students, which is the maximum number of students that the Traffic Engineering Division (TED) recommends for the traffic circulation to work, would create adverse traffic impacts in the adjacent and neighborhood roadways. Staff's traffic area analysis of 840 students (Exhibit B) show an additional 532 new trips. In said analysis, SW 97 Avenue (North of site from SW 97 Street to SW 88 Street) will have a 21% increase in volume of trips (291 more trips). Additionally, SW 97 Avenue (South of site from SW 97 Street to SW 104 Street) will have an 18% increase in volume of trips (241 more trips). Furthermore, according to said traffic area analysis, some neighborhood roadways will be adversely impacted by the proposed 840-student charter school. Specifically, SW 96 Street (East from SW 97 Avenue to SW 92 Avenue) will have a 37% increase in volume of trips (44 more trips). Staff opines that, although the traffic circulation works according to PWWM, the proposed charter school with 840 students will unfavorably impact the traffic in the surrounding and immediate area as indicated above. Further, staff opines that by adding the additional 532 new trips to this residential neighborhood, which is comprised of existing estate residences, the traffic in the area local roads and along SW 97 Avenue would be intensified. Staff further opines, that if these percentages are decreased by reducing the number of proposed students, a smaller charter school use could make for a more acceptable and compatible development on the subject site. As such, staff opines that the proposed charter school use with 1,260 or 840 students is **inconsistent** with **Policy LU-4A** and **Policy LU-4C** of the CDMP and **incompatible** with the surrounding area as the applicants have not addressed the negative impacts of the traffic generated by the proposed charter school use as mentioned above.

Based on the aforementioned analysis, staff opines that the requested approval for a new charter school use with 1,260 or 840 students is incompatible with the surrounding area as it will not satisfy the criteria for compatibility outlined in **Policy LU-4A**. Specifically, staff opines that the increased traffic impacts outlined above will result in a sufficient degradation of the tranquility and character of the surrounding residential neighborhood and further exacerbate congestion during the AM peak hours as referred in **Policy LU-4C**. As such, staff opines that the proposed charter school use with 1,260 or 840 students is **incompatible** with the surrounding area, as the applicants have not addressed the negative impacts of the traffic generated by the proposed charter school use as mentioned above, and approval of same would generate a negative impact to the surrounding area by creating an increase in traffic, especially during the morning and afternoon hours when students are dropped-off and picked-up from school activities. Therefore, staff opines that approval of same is **inconsistent** with the criteria of the CDMP provided that schools may only be approved in residential communities when compatible with the surrounding neighborhood based on the criteria set forth in **Policies LU-4A and LU-4C**.

ZONING ANALYSIS:

When analyzing request #1 on Parcel A, to permit a charter school, and request #4 on Parcel B, to permit same, under Section 33-311(A)(3) **Special Exceptions**, Unusual Uses and New Uses, staff is of the opinion that the approval of these requests would be **incompatible** with the surrounding area, and could result in excessive traffic for reasons indicated above and below. As previously mentioned, staff's analysis of the adjacent area roadways shows that the proposed

charter school with 1,260 or 840 students, in staff's opinion, will negatively impact the traffic in the surrounding and immediate area.

Staff notes that the memoranda submitted by the Division of Environmental Resources Management of the Department of Regulatory and Economic Resources indicates that approval will not result in a reduction in the LOS standards for potable water service, wastewater disposal, or storm water management. Additionally the memorandum from the Miami-Dade Fire Rescue Department does not indicate that approval of this application will have a negative impact on fire rescue services in the area. Furthermore, staff notes that the Miami-Dade County Public School (**MDCPS**) indicates that there are **256 surplus student stations** at the elementary school level in the area. However, based upon the analysis provided in this report, staff further opines that approval of charter school use on the subject site would be intrusive due to the increased traffic impact and could have a negative aural effect on the surrounding residential community. Therefore, staff recommends denial without prejudice of requests #1 and #4, under Section 33-311(A)(3) (Special Exceptions, Unusual and New Uses).

When requests #2, #3, and #5 through #7 are analyzed under Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations, staff could be supportive of these requests. However, these requests are germane to requests #1 and #4, which staff does not support and is recommending denial without prejudice. Staff opines that the requested parking and drives within 25' of rights-of-way (requests #2 and #5) are internal to the site and only affect SW 96 Street. Additionally, staff notes that requests #3, to permit 42 parking spaces (70 parking spaces required) on Parcel A, and #6, to permit certain parking spaces on a surface of grass pavers (hard surface required) on Parcel B, cumulatively meet the parking requirements for the entire site if the requests are approved. Staff notes that the submitted site plan shows Phase I with school development for 840 students and 42 parking spaces (70 parking spaces required) on Parcel A only. Phases II and III show school development on both Parcels A and B for 1,260 students with a total of 136 parking spaces (97 parking spaces required). Therefore, staff opines that these requests are not excessive, are internal to the site, and cumulatively meet the parking requirements for the entire site once the requests are approved.

Additionally, although staff does not have major concerns regarding request #7, to permit the covered terrace to setback 18' (25' required) from the side street (south) property line, staff still does not support this request based on the same reasons outlined in the foregoing analysis. Staff opines that this request, along with requests #2, #3, #5 and #6, are germane to requests #1 and #4, which staff does not support and is recommending denial without prejudice. However, staff further opines that if the number of proposed students is decreased, a smaller charter school use could make for a more acceptable and compatible development within this residential area. **As such, staff recommends denial without prejudice of request #2, #3 and #5 through #7 under Section 33-311(A)(4)(b), Use Variances From Other Than Airport Regulations.**

ACCESS, CIRCULATION AND PARKING: N/A

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION:

Denial without prejudice.

CONDITIONS FOR APPROVAL: None.

NK:MW:NN:CH:JV

Amina Nae for

Nathan Kogon, AICP, Assistant Director
Development Services Division
Miami-Dade County Department of
Regulatory and Economic Resources

ZONING RECOMMENDATION ADDENDUM

Lones Family Limited Partnership, Et. Al.
PH: Z12-156

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Division of Environmental Resources Management (RER)	No objection
Platting and Traffic Review Section (RER)	No objection
Parks, Recreation and Open Space	No objection
Miami-Dade Transit	No comment
Fire Rescue	No objection
Police	No objection
Schools	No objection

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

Low Density Residential (Pg. I-31)	<i>The Adopted 2025 and 2030 Land Use Plan designates the subject property as being within the Urban Development Boundary for Low Density Residential use. This category allows a range in density from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. The types of housing typically found in areas designated low density include single-family housing e.g., single family detached, cluster and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.</i>
Residential Communities (Pg. I-26)	<i>The areas designated Residential Communities permit housing types ranging from detached single-family to attached multifamily buildings, as well as different construction systems. Also permitted in Residential Communities are neighborhood and community services including schools, parks, houses of worship, daycare centers, group housing facilities, and utility facilities, only when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood. The character of the "neighborhood" reflects the intensity and design of developments, mix of land uses and their relationships.</i>
Institutions, Utilities and Communications (Page I-56)	<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.</i>
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>
Policy LU-4C (Page I-11)	<i>Residential neighborhoods shall be protected from intrusion by uses that would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive density, noise, light, glare, odor, vibration, dust or traffic.</i>

ZONING RECOMMENDATION ADDENDUM

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PERTINENT ZONING REQUIREMENTS/STANDARDS

<p>33-311(A)(3) Special Exceptions, Unusual and New Uses</p>	<p><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. For purposes of public hearing, a site plan shall be considered one (1) special exception, and upon approval of a site plan by the Community Zoning Appeals Board and/or the Board of County Commissioners, all non-use variances incorporated within and reflected upon the site plan shall be considered a part thereof, and official approval of the site plan shall constitute approval of all such non-use variances, unless otherwise so moved by the approving board.</i></p>
<p>33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations</p>	<p><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></p>