

# Memorandum



**Date:** July 17, 2014

**To:** The Board of County Commissioners

**From:** Developmental Impact Committee  
Executive Council

**Subject:** Developmental Impact Committee Recommendation

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**APPLICANT:** Advance Learning Charter School, Inc. (Z14-017)

**SUMMARY OF REQUESTS:**

The applicant seeks to permit a charter school grades K-1<sup>st</sup> for 125 students.

**LOCATION:** 17701 NW 57 Avenue, 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 June 4, 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. Z14-17  
ADVANCED LEARNING CHARTER SCHOOL, INC.

Respectfully Submitted,

DIC Executive Council  
June 04, 2014

Giovannie Ulloa, Fire Chief  
Miami-Dade Fire Rescue Department



AYE

Eric Silva, AICP  
Sustainability, Planning and Economic Enhancement  
Department



AYE

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



AYE

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



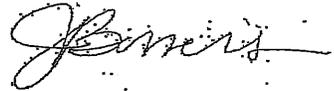
AYE

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: Z14-017

DIC Date: June 4, 2014

<b>Recommendation Summary</b>	
<b>Commission District</b>	13
<b>Applicant</b>	Advance Learning Charter School, Inc.
<b>Summary of Requests</b>	The applicant seeks to permit a charter school for 125 students in grades Kindergarten (K) and First (1 <sup>st</sup> ).
<b>Location</b>	17701 NW 57 Avenue, Miami-Dade County, Florida.
<b>Property Size</b>	3.40 acres
<b>Existing Zoning</b>	RU-1, Single-family Residential District 7,500 Sq. Ft. Net
<b>Existing Land Use</b>	Church and Daycare
<b>2020-2030 CDMP Land Use Designation</b>	Low Density Residential <i>(see attached Zoning Recommendation Addendum)</i>
<b>Comprehensive Plan Consistency</b>	Consistent with the LUP map, and the interpretative text and policies of the CDMP
<b>Applicable Zoning Code Section(s)</b>	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>
<b>Recommendation</b>	<b>Approval with conditions</b>

**REQUESTS:**

1. SPECIAL EXCEPTION to permit a charter school.
2. Modification of Condition #2 of Resolution #4-ZAB-309-73, passed and adopted by the Zoning Appeals Board, last modified by Resolution #CZAB5-14-04, passed and adopted by Community Zoning Appeals Board 5, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'International Bible Baptist Church,' as prepared by Jerry Clawson, Architect, dated stamped received 8/25/04 and consisting of 12 sheets."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Hive - Kindergarten / 1st Grade" as prepared by Sol Arch, consisting of 5 sheets, a floor plan entitled "A New Church Facility For International Bible Baptist Church", as prepared by Jerry Clawson / Architects, consisting of 1 sheet and a landscape plan entitled "International Bible Baptist Church", as prepared by Land Form Design Group, consisting of 1 sheet, for a total of 7 sheets, with sheet A-100 dated stamped received 04/21/14 and the remaining 6 sheets dated stamped received 04/02/14.

The purpose of request #2 is to allow the applicant to submit a revised site plan showing a charter school in lieu of the previously approved private school, kindergarten and day care center.

The aforementioned plans are on file and may be examined in the Department of Regulatory and Economic Resources. Plans may be modified at public hearing.

**PROJECT DESCRIPTION AND PROJECT HISTORY:**

Pursuant to Resolution #4-ZAB-309-73, the subject property was approved to permit a day nursery and a kindergarten in a private school. Staff notes that there were several other approvals throughout the years. Finally, in 2004, pursuant to Resolution #CZAB5-14-04, the subject property was approved for a religious facility, and a private school containing kindergarten and day care uses for up to 56 children. The applicant now seeks approval of a charter school for 125 students in grades K-1<sup>st</sup> in place of the previously approved uses.

The submitted plans depict the proposed kindergarten and 1<sup>st</sup> grade charter school on the 3.40-acre subject property abutting NW 57 Avenue (Red Road) located to the west. Said plans indicate the proposed school comprised of two (2) existing buildings; a two-story church building located towards the southeast corner of the site and a one-story school building located towards the northeast corner of the subject property. A large parking area is shown on the westerly portion of the site and additional parking is shown along the north, south, and east property lines. Adequate landscaping is provided along the perimeter of the site with the exception of ingress and egress areas and it is also provided throughout the site.

<b><u>NEIGHBORHOOD CHARACTERISTICS</u></b>		
	<b>Zoning and Existing Use</b>	<b>Land Use Designation</b>
<b>Subject Property</b>	RU-1; Church, private school and daycare	Low Density Residential 2.5 dua to 6 dua
<b>North</b>	RU-1; single-family residences	Low Density Residential 2.5 dua to 6 dua
<b>South</b>	RU-1; single-family residences	Low Density Residential 2.5 dua to 6 dua
<b>East</b>	RU-1; single-family residences	Low Density Residential 2.5 dua to 6 dua
<b>West</b>	IU-C; Offices	Business and Office

**NEIGHBORHOOD COMPATIBILITY:**

The 3.40-acre subject property is located at 17701 NW 57 Avenue and is surrounded by residential uses.

**SUMMARY OF THE IMPACTS:**

The approval of this application will allow the applicant to provide the community with additional education services for up to 125 students. However, the proposed increase of one grade level and 69 additional students could have visual, aural and traffic impacts on the surrounding residential area.

**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. Staff notes that the applicant is requesting to establish a charter school on the subject property with grades K-1<sup>st</sup> for a maximum of 125 students.

Staff further notes that the CDMP Land Use Element interpretative text for **residential communities** permits neighborhood or community services including **schools** when compatible with the neighborhood. 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*. Staff notes that to mitigate any potential traffic impact the charter school will be required to comply with the Traffic Operations Plan submitted to the Traffic Engineering Division (TED) of the Public Works and Waste Management (PWWM).

The applicant proposes to utilize the existing buildings on the subject site for a new kindergarten and 1<sup>st</sup> grade charter school use with a maximum of 125 students. Staff notes that the subject property was previously approved for a private school containing kindergarten and day care uses for up to 56 children. Staff opines that although the proposed increase in students (69 more) and the additional grade level (1<sup>st</sup>) could generate additional traffic for the surrounding area, the use is compatible with the area given that: the bulk and scale of the structures are similar to the abutting residential developments; does not exceed the maximum height requirement for this residential zoning designation; provides adequate access to the property, and exceeds the minimum parking requirements. Therefore, staff opines that approval of the proposed charter school use is compatible with the surrounding neighborhood. Staff also opines that the proposed kindergarten and 1<sup>st</sup> grade charter school use would be adequately buffered by the existing landscaping elements which include the required street and lot trees and hedges. Staff further opines that approval of same would not have a negative visual impact on the surrounding properties or on passersby along NW 57 Avenue. For these reasons, staff is of the opinion that the approval of the proposed charter school use is **compatible** with the area based on the criteria described in the CDMP Land Use Element **Policy LU-4A** and **consistent** with the CDMP Land Use Element interpretative text for the **Residential Communities**, and the CDMP Land Use Plan map designation for the subject property.

### **ZONING ANALYSIS:**

When analyzing request #1, to permit a charter school for grades K-1<sup>st</sup> with 125 students 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 request 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 request 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 request 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 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 PWWM has indicated in its memorandum dated May 6, 2014, that the application will generate 46 PM and 56 AM 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. 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. Based on the aforementioned analysis, staff opines that 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.

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 under Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses.**

The applicant also seeks approval to modify the previously approved plans (request #2) in order to submit a revised site plan showing a charter school in lieu of the previously approved private school, kindergarten and day care center. Staff opines that when request #2 is analyzed under the General Modification Standards, Section 33-311(A)(7), said request would be not generate excessive noise, traffic, provoke excessive overcrowding of people, tend to provoke a nuisance and would be **compatible** with the surrounding area for the reasons stated below. The submitted plans depict the proposed kindergarten and 1<sup>st</sup> grade charter school on the 3.40-acre subject property abutting NW 57 Avenue (Red Road) located to the west. Staff notes that the buildings' footprints are not changing to accommodate the additional 69 students. However, the applicant is enhancing the parking and traffic configuration to allow for the drop off and pick up of the anticipated 125 total students. Staff opines that the overall design of the existing buildings and location provide for a cohesive campus for the proposed charter school because the façade and scale were previously designed to match that of the existing surrounding residential community. Additionally, staff opines that the proposed charter school use within the existing buildings will not create any new visual impacts and will be adequately buffered from the adjacent properties by landscaping that includes hedges and trees, and therefore, any visual impact generated by the proposed charter school use would be minimal.

Further, as previously mentioned, 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 #2 under Section 33-311(A)(7) Generalized Modification Standards.**

**ACCESS, CIRCULATION AND PARKING:** The submitted plans indicate two (2) ingress/egress drives along the western property line abutting NW 57 Avenue. The applicant has provided 94 more parking spaces than the required 63 parking spaces for the 125 students and staff of the proposed charter school. Additionally, the submitted plans indicate 21 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. Its memorandum further indicates that the applicant is required to comply with the tree permitting requirements and must meet the standards of Section 24.49.2 and 24.49.4 of the Code that includes the submittal of a tree survey. The subject properties do not contain any jurisdictional wetlands.

***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 15 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 6:12 minutes (based on 2013 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, does not object to this application subject to the conditions outlined in its memorandum.

Its memorandum indicates that the anticipated trip generation based on Institute of Transportation Engineers (ITE) is 46 PM and 56 AM 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.

Its memorandum indicates that the application meets the criteria for traffic concurrency for an Initial Development Order. The memorandum further indicates that no vehicle trips have been reserved by this application and that this project is subject to the payment of Road Impact Fees.

***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. 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 all the conditions of Resolution #CZAB5-14-04 remain in full force and effect, except as herein modified.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Hive - Kindergarten / 1st Grade" as prepared by Sol Arch, consisting of 5 sheets, a floor plan entitled "A New Church Facility For International Bible Baptist Church", as prepared by Jerry Clawson / Architects, consisting of 1 sheet and a landscape plan entitled "International Bible Baptist Church", as prepared by Land Form Design Group, consisting of 1 sheet, for a total of 7 sheets, with sheet A-100 dated stamped received 04/21/14 and the remaining 6 sheets dated stamped received 04/02/14.
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 May 6, 2014.
6. 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 April 23, 2014.
7. That the applicant obtain a Certificate of Use from and promptly renew the same annually with the Department of Regulatory and Economic Resources, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
8. That the school gates be opened at least 45 minutes prior to the arrival and dismissal times.
9. That at the time of Certificate of Use renewal and each subsequent renewal, the owner 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.

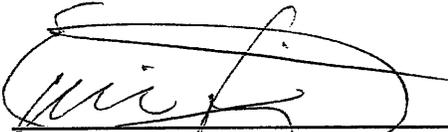
10. That the charter school use be limited to grades Kindergarten through 1<sup>st</sup> and be limited to a maximum of 125 students.
11. That the owner shall have trained personnel on site to manage the traffic operations during the arrival and dismissal period.
12. That the applicant shall provide 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 Traffic Operations Plan (TOP).
13. 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 TOP that was submitted as part of the hearing application.
14. That no outside speakers other than in connection with emergency systems shall be permitted on the property.
15. 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.
16. 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.
17. That the outside lighting shall be permitted with the proper shielding according to Miami-Dade County Code.
18. 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 operation 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.

Advance Learning Charter School, Inc.

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A handwritten signature in black ink, appearing to read "Eric Silva", is written over a horizontal line.

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

# ZONING RECOMMENDATION ADDENDUM

Advance Learning Charter School, Inc.  
Z14-017

<b>NEIGHBORHOOD SERVICES PROVIDER COMMENTS</b>	
<i>Division of Environmental Resource Management (RER)</i>	<i>No objection*</i>
<i>Platting and Traffic Review Section (RER)</i>	<i>No objection*</i>
<i>Parks, Recreation and Open Spaces</i>	<i>No objection</i>
<i>Fire Rescue</i>	<i>No objection</i>
<i>Schools</i>	<i>No objection</i>
<i>*Subject to conditions in their memorandum.</i>	

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

<b>Low Density Residential</b> <i>(Pg. I-31)</i>	<i>The Adopted 2015 and 2025 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>
<b>Residential Communities</b> <i>(Pg. I-26)</i>	<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, <b>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.</b></i>
<b>Policy LU-4A</b> <i>(Page I-11)</i>	<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

<b>Section 33-311(A)(7) Generalized Modification Standards.</b>	<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</i>
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# ZONING RECOMMENDATION ADDENDUM

Advance Learning Charter School, Inc.  
Z14-017

	<i>standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.</i>
<b>Section 33-311(A)(3) Special Exception, Unusual and New Uses.</b>	<i>Hear applications for and grant or deny special exceptions; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual use which by the regulations are only permitted upon approval after public hearing; provide 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 planned and budgeted for construction, area 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 of and its development.</i>