

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

PH: Z15-017 (15-9-CC-1)

September 10, 2015

Item No. 1

Recommendation Summary	
Commission District	01
Applicant	Advance Learning Charter School, Inc.
Summary of Requests	The applicant seeks approval to modify a previously approved charter school in order to expand the current school, increase the number of students from 452 to 900, increase the grade levels from K-5 th to K-8 th and add a new building.
Location	5855 NW 171 Street, Miami-Dade County, Florida.
Property Size	3.41 acres
Existing Zoning	BU-2 (Business-Special District)
Existing Land Use	Educational facility
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 33-311(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 the expansion of the existing school from grades K-5 to grade K-8.
- (2) MODIFICATION of Conditions #2, 9 and 10 of Resolution #Z-24-09 passed and adopted by the Board of County Commissioners, and 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 "Plans for Proposed tenant Improvements of: The Advance Learning Academy," as prepared by Consulting & Specialty Engineering Services, Inc., consisting of 12 sheets, dated stamped received 06-16-09.

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Advance Learning Academy DBA Hive Prep," as prepared by Sol-Arch., consisting of 12 sheets, sheets A-1.00 & A-2.00, dated stamped received 4/17/15, all other sheets dated stamped received 3/4/15.

FROM: "9. That the charter school use be limited to grades Kindergarten through 5th and be limited to a maximum of 452 students.

TO: "9. That the charter school use be limited to grades Kindergarten through 8th and be limited to a maximum of 900 students.

FROM: "10. That there will be staggered shifts at arrival and dismissal times for students at the charter school, separated by a minimum of 20 minutes. The arrival and dismissal times shall be as follows:

TO: "10. That there will be staggered shifts at arrival and dismissal times for students at the charter school, separated by a minimum of 20 minutes. The arrival and dismissal times shall be as follows:

Kindergarten thru 2nd Grade -Start 8:30 a.m./dismissal 2:00 p.m.

3rd thru 5th Grades - Start 8:00 a.m./dismissal 3:00 p.m.

6th thru 8th grades - start 7:30 a.m. /dismissal 2:30 p.m."

(3) MODIFICATION of Paragraphs #1, #2 and #3 of a Declaration of Restrictions recorded in Official Record Book 27157, Pages 2705-2722, reading as follows:

FROM: "1. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Plans for Proposed tenant Improvements of: The Advance Learning Academy," as prepared by Consulting & Specialty Engineering Services, Inc., consisting of 12 sheets, dated stamped received 06-16-09.

TO: "1. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Advance Learning Academy DBA Hive Prep," as prepared by Sol-Arch., consisting of 12 sheets, sheets A-1.00 & A-2.00, dated stamped received 4/17/15, all other sheets dated stamped received 3/4/15.

FROM: "2. The Charter School shall be limited to Kindergarten through fifth grades with four hundred fifty two (452) students, which shall be incorporated in two (2) phases as follows:

350 students in grades kindergarten thru fifth permitted in the 2009-2010 school year.

452 students in grades Kindergarten thru fifth permitted in the 2010-2011 school year."

TO: "2. The Charter School use shall be limited to Kindergarten through eighth grade with nine hundred (900) students.

452 Existing Students

448 new Students in 2016."

FROM: "3. The Charter School shall have three staggered shifts at arrival and dismissal times, separated by a minimum of 20 minutes, as follows:

Kindergarten thru 1st Grade -Start 8:00 a.m./dismissal 2:30 p.m.

2nd thru 3rd Grades - Start 8;20 a.m./dismissal 2:50 p.m.

4th thru 5th Grades - Start 8:40 a.m./dismissal 3:10 p.m.

However, the owner, at its discretion, may modify the foregoing schedule so long as the Charter School has minimum of 3 start/d dismissal times staggered at least 20 minutes apart. Further, the owner shall provide written notice of any modifications to the start/d dismissal times to the directors of the Department of Planning and Zoning and the Public Works Department, respectively, and said modifications shall be subject to the approval of the directors."

TO: "3. The Charter School shall have three staggered shifts at start and dismissal times, separated by a minimum of 20 minutes, as follows:

Kindergarten thru 2nd Grade -Start 8:30 a.m./dismissal 2:00 p.m.

3rd thru 5th Grades - Start 8:00 a.m./dismissal 3:00 p.m.

6th thru 8th grades start 7:30 a.m. /dismissal 2:30 p.m.

However, the owner, at its discretion, may modify the foregoing schedule so long as the Charter School has minimum of 3 start/d dismissal times staggered at least 20 minutes apart. Further, the owner shall provide written notice of any modifications to the start/d dismissal times to the directors of the Department of Regulatory and Economic Resources and the Public Works and Waste Management Department or their successor department, respectively, and said modifications shall be subject to the approval of the directors."

The purpose of Requests #2 and #3 is to allow the applicant to submit plans showing the addition of a new school building and an increase the number of students and grade levels for the previously approved charter school.

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 HISTORY AND DESCRIPTION:

In September and October 1969, pursuant to Resolutions #4-ZAB-489-69 and #Z-288-69, the Zoning Appeals Board (ZAB) and the Board of County Commissioners (BCC) granted a district boundary change for the subject property from AU, Agricultural District, RU-1, Single-family Residential District, and BU-1A, Limited Business District, to BU-2, Special Business District. In 2009, pursuant to Resolution #Z-24-09, the BCC approved with conditions and subject to a covenant a charter school on the subject site. Staff notes that this application went to the DIC Lower Council meeting on April 8, 2015 and all comments from said meeting were addressed in the submitted plans and in this recommendation.

The applicant now seeks to modify the plans and conditions approved pursuant to the prior resolution and covenant for the existing charter school in order to expand the current school facility, increase the number of students from 452 to 900, increase the grade levels from K-5th to K-8th and add a new building. The submitted plans depict the existing educational facility consisting of a 1-story building located on the southern portion on the approximately 3.41-acre site. In addition, the plans indicate a proposed 3-story classroom building located along the northern portion of the subject site. An existing parking area is shown towards the southeast portion of the site, along with proposed parking areas illustrated on the northern and western

portions of the subject property. Adequate landscaping are also indicated along the perimeter of the site.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	BU-2; educational facility	Business and Office
North	BU-2; commercial building	Business and Office
South	BU-2; car dealership parking lot	Business and Office
East	BU-2; commercial building	Business and Office
West	BU-2; office building	Business and Office

NEIGHBORHOOD COMPATIBILITY:

The subject property consists of 3.41 acres located at the northeast corner of NW 171 Street and NW 59 Avenue, Miami-Dade County. The surrounding area is commercial with a big box warehouse retail building, a major retailer building and an auto dealership.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to provide the community with additional education services for up to 900 students. Although the increase in the number of students could result in additional traffic impacts on the surrounding roadways, subject to the conditions outlined in the memorandum from the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources, approval with conditions will not have a negative impact on said roadways.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is designated as **Business and Office** use on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. Staff notes that the applicant is requesting approval of an expansion and modifications to a charter school. The BU-2 zoning district allows all the uses that can be permitted in the Business and Office land use category, including the retail uses and schools. As such, staff opines that this application is **consistent** with the uses allowed under the Business and Office land use category text and the Business and Office Land Use Plan map designation for the property.

ZONING ANALYSIS:

When analyzing request #1, to permit an expansion of an existing charter school from grades K-5 to grade K-8 for 900 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. Additionally, the applicant seeks to modify conditions of the prior resolution as well as paragraphs of the covenant proffered by the applicant at that time that pertain to the plans, the number of students, grade levels and buildings on the subject property (requests #2 and #3). Staff opines that approval with conditions of the aforementioned requests under the Generalized Modification Standards, Section 33-311(A)(7), would also be **compatible** with the surrounding area.

As part of this application, the applicant submitted a Traffic Impact Study, Site plans and a School Traffic Operations Plan (TOP) to the Traffic Engineering Division (TED) of the Public Works and Waste Management (PWWM) for review. The PWWM has indicated in its memorandum dated June 25, 2015, that the application will generate 77 PM new Peak Hour trips based on the Institute of Traffic Engineering (ITE) standards, which will not exceed the Level of Service (LOS) on the surrounding roadways. Additionally, the AM peak hour trip was also analyzed and will generate a net total of 258 trips, which the TOP analysis was based on. Based on the queuing analysis and attached TOP, PWWM has determined that there is ample space to accommodate traffic queuing on site. 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.

Further, staff opines that based on the memoranda submitted by other 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, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned. 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 storm water management. Additionally the memorandum from the Miami-Dade Fire Rescue Department does not indicate that this request will have a negative impact on fire rescue services in the area.

Staff notes that approval of the requested modifications will allow the applicant to expand the existing charter school from grades K-5 to grade K-8 for 900 students while adding a new building. Staff opines that the new 3-story school building is similar in height and scale to the existing commercial buildings surrounding the site and will maintain similar architectural features found in the existing charter school building. Staff notes that the surrounding area is comprised of a big box warehouse retail building, a major retail building, an office building and an auto dealership. As such, staff opines that the building will not have a negative visual impact on the neighboring commercial uses surrounding the subject property. Staff further opines that, although the charter school will increase the students in the area, as previously noted, this is a commercial area and the impact will be minimal. Additionally, the charter school has been designed in such a way to minimize traffic impacts by providing more than adequate means of ingress and egress and the site's traffic circulation works well for the school facility. Traffic, staff notes, will be prevalent during the morning and afternoon hours at the arrival and dismissal times. As such, the applicant has agreed to adhere to staggered arrival and dismissal times to alleviate potential traffic congestion in the surrounding community.

As such, staff opines that approval of requests #1, #2 and #3 will maintain the character of the existing charter school and therefore, will be **compatible** with the surrounding commercial and industrial uses in this area given that: the bulk and scale of the proposed structure is similar to the existing charter school building and surrounding commercial uses in the area; the proposed school campus provides access to the property, and exceeds the minimum parking requirements, which the applicant has provided 30 more parking spaces than the required 105 parking spaces for the proposed development. Staff further opines that the overall design of the proposed building and location to the north on the subject site provide for a cohesive campus for the proposed expansion of the charter school because the façade and scale are designed to match that of the existing school building and surrounding commercial buildings. **Based on the foregoing analysis, staff recommends approval with conditions of request #1 under Section 33-311(A)(3) Special**

Exceptions, Unusual Uses and New Uses, and approval with conditions of requests #2 and #3 under the Generalized Modification Standards, Section 33-311(A)(7).

ACCESS, CIRCULATION AND PARKING: The submitted plans indicate four (4) ingress/egress drives, two along the southern property line abutting NW 171 Street and two along the western property line abutting NW 59 Avenue. The applicant has provided 30 more parking spaces than the required 105 parking spaces for the 900 students and staff of the proposed and existing charter school.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION:

Approval with conditions.

CONDITIONS FOR APPROVAL:

1. That all other conditions of Resolution #Z-24-09 remain in full force and effect, except as herein modified.
2. That all other paragraphs of Declaration of Restrictions, recorded in Official Records Book 27157, Pages 2705-2722 remain in full force and effect except as herein modified.
3. 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 June 25, 2015.
4. 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 June 10, 2015.
5. That the charter school use be limited to grades K – 8th, be limited to a maximum of 900 students.
6. 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.
7. 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.
8. That the outside lighting shall be permitted with the proper shielding according to Miami-Dade County Code.

9. 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.

NK:MW:NN:CH:JV



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

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ZONING RECOMMENDATION ADDENDUM

Advance Learning Charter School, Inc.
PH: Z15-017

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

<p>Business and Office (Pg. I-40)</p>	<p><i>The Adopted 2020 and 2030 Land Use Plan designates the subject property as being within the Urban Development Boundary for Business and Office. 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.</i></p>
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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>

ZONING RECOMMENDATION ADDENDUM

Advance Learning Charter School, Inc.
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**Section 33-311(A)(7)
Generalized
Modification
Standards.**

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.