

## City of Hallandale Beach City Commission Agenda Cover Memo

Meeting Date:	Item Type:		1 <sup>st</sup> Reading	2 <sup>nd</sup> Reading
<b>5/18/2022</b>	<input checked="" type="checkbox"/> <b>Resolution</b> <input type="checkbox"/> <b>Ordinance</b> <input type="checkbox"/> <b>Other</b>	Ordinance Reading	<b>N/A</b>	<b>N/A</b>
		Public Hearing	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Advertising Required	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Quasi Judicial:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>File No.:</b>				
<b>22-123</b>				
Fiscal Impact (\$):	Account Balance (\$):	Funding Source:	Project Number :	
<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	
Contract/P.O. Required	RFP/RFQ/Bid Number:	Sponsor Name:	Department:	
<input type="checkbox"/> <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b>	<b>N/A</b>	<b>Vanessa Leroy, Director</b>	<b>Community Enhancement &amp; Sustainable Development</b>	
Strategic Plan Focus Areas:				
<input type="checkbox"/> <b>Finance &amp; Budget</b>		<input type="checkbox"/> <b>Organizational Capacity</b>	<input checked="" type="checkbox"/> <b>Infrastructure/Projects</b>	
Implementation Timeline:				
Estimated Start Date: 5/18/2022    Estimated End Date: 5/18/2022				

### SHORT TITLE:

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, CONSIDERING POSNACK HOCHBERG LOWER SCHOOL EAST CAMPUS' APPLICATION FOR A CONDITIONAL USE PERMIT FOR A PLAYGROUND AT 509 SW 10TH STREET AND 513 SW 10TH STREET AND APPLICATION FOR VARIANCE RELATIVE TO THE MAXIMUM ALLOWABLE USE OF ARTIFICIAL TURF IN LANDSCAPED AREAS; AND PROVIDING AN EFFECTIVE DATE.**

### STAFF SUMMARY:

**Summary:**

The applicant, Hochberg Preparatory School, Inc. is requesting a Conditional Use Permit and Variance in order to construct a playground in the RD-12 Residential two-family (duplex) district at the properties located at 509 & 513 SW 10th Street. The proposed playground will serve the

existing school property, known as the Posnack Hochberg Lower School East Campus.

The applications filed with the City are as follows:

1. Application # CU-22-118, requesting a Conditional Use Permit pursuant to Section 32-144(c)(1) of the Hallandale Beach Code of Ordinances in order to operate a school within the RD-12 Zoning District.
2. Application #V-22-821, requesting a Variance from Section 32-385(d)(5) of the Hallandale Beach Code of Ordinances relative to the maximum allowable use of artificial turf in landscaped areas.

### **Background:**

The Applicant is the owner of the Posnack Hochberg Lower School East Campus, a 1.21-acre parcel located at 412 SW 11th Street. The Major Development application for the existing school was approved on August 1, 2018. The construction of the school was completed in October 2020.

The Applicant has since acquired two adjacent parcels located at 509 SW 10th Street and 513 SW 10th Street approximately 0.25 acres in size, to expand the school property and develop it as a playground for the use of the school.

The existing school property is zoned B-L, Business Limited District which permits schools by right. The adjacent subject lots, however, are zoned RD-12 District and require a Conditional Use Permit to be used as a playground. Additionally, the use of artificial turf for most of the playground areas is 54% of the landscape area of all three parcels combined, which exceeds the maximum permitted use of artificial turf. Therefore, a variance is also required.

On March 23, 2022, the Planning and Zoning Board held a public hearing on the applications. The Board recommended approval of the Conditional Use application by a vote of 4 to 0 subject to staff conditions and added: restrict the use of the playground before 7:30 A.M., the playground shall not be illuminated; and limit the capacity of the school as was approved by the City Commission (288 students). The Board also recommended approval of the variance application by a vote of 4 to 0. Please see the Planning and Zoning Board memorandum (Exhibit 6) and minutes of the March 23, 2022 hearing (Exhibit 7).

### **Analysis**

#### **Development Details:**

The applicant's site plan depicts the following:

1. An existing school building on 1.21 acres. A proposed playground on adjacent residential zoned parcels of 0.25 acres. The combined total school campus of 1.26 acres.
2. The proposed playground is adjacent to and lies to the west of the existing school property known as the Posnack Hochberg Lower School East Campus. This is proposed to increase the limited existing outdoor play areas.

3. The surface of the playground will be permeable artificial turf. The turf will meet or exceed City Design Guidelines requirements. A variance is being sought for the coverage percentage of 54% of the total provided landscape area.
4. A 6 feet high masonry wall, as required by Code, separates the playground from the surrounding residential dwelling units to the west and south.
5. A total of 4 street trees (4 are required) are proposed to be installed in the swale areas of the playground site along SW 10<sup>th</sup> Street consisting of Orange Geiger Trees to match the existing school street trees on SW 10<sup>th</sup> Street. The flowering trees are a native species.
6. A total of 44 credited trees/palms are required on the combined parcels; 45 are provided and meet Code.
7. 39.3% landscaped area of the combined sites (school and playground) is proposed - 25% of the landscaped area is required for the RD-12 playground parcel and 15% for the B-L existing school parcel. The provided landscape area exceeds the Code requirement.
8. 54% of the landscape area of combined sites is proposed to be artificial turf. (30% of turf is the maximum allowed).

### **Current Situation:**

#### **Comprehensive Plan Considerations**

The existing school campus is designated Neighborhood Commercial on the City's Future Land Use Map.

The subject lots (proposed playground site) are designated Residential, Low-Medium Density on the City's Future Land Use Map. The playground use proposed by the applicant is permitted under the land use category as a conditional use.

#### **Applicable Codes and Ordinances**

1. Section 32-144(c)(1) of the Zoning and Land Development Code allows public and private schools as a Conditional Use provided that no structure is located less than 50 feet from any adjacent residential use.

**The applicant proposes to install a playground on land totaling 11,023 square feet. The playground will serve as a recreational outdoor activity area for the student body of the existing operating school. There are no structures in the playground. Since it will be used as part of the school operation, a Conditional Use Permit is required and requested.**

2. Section 32-385(d)(5) of the Zoning and Land Development Code allows artificial turf in recreational areas and playgrounds provided it does not cover more than 30% of the required landscaped area. The materials used must meet the specifications in the City's Design guidelines as follows:
  - Have a minimum face weight of 70 ounces per square yard and a pile height of 1.5 inches.

- Be non-flammable and lead-free; include an infill of silica sand.
- Be separated from live vegetation and soil by a solid barrier; and
- Have a minimum permeability drainage rate of 30 inches per square yard per hour.

**The applicant will be required to install artificial turf which meets the above specifications. However, 54% of the landscaped area is proposed to be artificial turf which exceeds the maximum of 30%, therefore a variance from the above-referenced section is required.**

3. Section 32-384(a)(7) and (8) of the Zoning and Land Development Code requires that all permitted uses have a minimum of 15 percent landscaped area on-site for all commercial uses (B-L existing school parcel), and 25 percent for all public or institutional uses permitted in residential districts (RD-12 playground parcel).

**There are 2 lots: a vacant lot (509 SW 10th ST) and a duplex (513 SW 10th Street). A permit for the demolition of the duplex is currently being processed by the Building Division. The combined lots will provide 39.3% of landscaped area, in excess of the required minimum.**

4. Section 32-384(c) of the Zoning and Land Development Code requires one tree to be provided for every 1,500 square feet of project site area, at least 50 percent of which shall be native, drought-tolerant species.

**Based upon the above provision, no on-site trees are required on the parcels to be used as a playground. The combined site would provide 45 trees consisting of 19 Silver Buttonwoods, 5 Green Buttonwoods, 3 Sylvester Date Palms, 17 Live Oaks trees, and 3 Sabal Palmetto Palms, Sabal Palmetto Palms for 1/3 credit each; therefore, 45 trees for credit are proposed, exceeding the Code requirement for 44 on-site trees. In addition, 93 percent of the trees and palms are native, drought-tolerant species, thereby also exceeding the Code requirement.**

#### Conditional Use Criteria

ARTICLE VIII, Section 32-964 Conditional Uses & Section 32-965 Variances:

Applications for conditional uses shall be reviewed with consideration given to the following:

- (1) That the use is compatible with the existing natural environment and other properties within the neighborhood.

***Compliance. The subject lots are zoned RD-12 which permits playgrounds associated with a school by a conditional use permit. The area surrounding the parcel is currently zoned RD-12 made up primarily of duplexes. Additional open space, made up of 2 residential lots, would be compatible with the natural environment and the neighborhood.***

- (2) That the use will create no substantial detrimental effects on property values in the neighborhood.

**Compliance. The subject property will provide additional visual open space to the neighborhood. The proposed use will not create substantial detrimental effects on any surrounding property values but rather serve as an improvement to the area.**

- (3) That there are adequate public facilities such as schools, roads, parks, and utilities within the service areas involved.

***Compliance. Adequate public facilities exist within the subject service area.***

- (4) That there will be adequate provisions for the traffic movement, both vehicular and pedestrian, both internal to the use and in the area which will serve the use.

***Compliance. The playground, being an open space, will not increase vehicular or pedestrian demands to what already exists at the school and surrounding areas. The added street trees installed along SW 10<sup>th</sup> Street will improve conditions for pedestrians.***

- (5) That there will be adequate drainage systems to service the use with particular attention to the necessity for on-site retention systems to alleviate drainage and pollution problems.

***Compliance. The proposed plans depict a permeable artificial turf that will meet or exceed the City's Design Guidelines required specifications for artificial turf. At the time of permitting, the City Engineer will determine if additional site drainage is necessary.***

- (6) That there are adequate setbacks, buffering, and general amenities in order to control any adverse effects of noise, light, dust, and other nuisances.

***Compliance. The applicant proposes to install permeable dust-free artificial turf panels. The perimeter of the lot will have a 6-foot-high masonry wall which will provide a visual and sound buffer abutting the adjacent residential properties to the west and south. According to the applicant, the playground will not be utilized at night thus, not illuminated.***

- (7) That the land area is sufficient, appropriate, and adequate for the use and for any reasonably anticipated expansion thereof.

***Compliance. The playground site is located between the commercially zoned school and residential properties. The playground, as an open space with buffers, makes it an appropriate use of the land. It is of adequate size and proportion to serve its function.***

- (8) Any other conditions as may be stipulated and made a requirement in granting any application for a conditional use, when it is considered necessary to further the intent and general welfare, including but not limited to:

- (a) Limitations on the hours of business operations.
- (b) Limitations on the number of occupants of any building at any one time.

***Compliance with limitations of the use of the lot before 7:30 AM or after 8 PM.***

Variance Criteria:

In order to authorize any variances to the terms of this chapter, it must be found that:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not generally applicable to other lands, structures, or buildings in the same zoning district.

***Compliance. The subject lots are presently zoned RD-12 which permits playgrounds associated with a school via a conditional use permit. The area surrounding the parcel is currently zoned RD-12 made up primarily of duplexes. Having an existing school adjacent to the subject lots does create a special condition not generally applicable to other lands.***

- (2) The special conditions and circumstances do not result from the actions of the applicant.

***Noncompliance. The subject properties are presently zoned RD-12 and both had residential units prior to the school purchasing the lots for the playground expansion. The request to exceed the maximum use of artificial turf is due to the applicant's desire to provide a playfield that would be lower maintenance for the school.***

- (3) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings, or structures in the same district.

***Noncompliance. The subject properties are presently zoned RD-12 and could be developed as a residential use. The proposed playground use is also consistent with the existing zoning of the property. However, the subject lots could be used sodded and still be used as a playfield.***

- (4) Literal interpretation of the provisions of this chapter would deprive the applicant of the rights commonly enjoyed by the properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardships on the applicant.

***Noncompliance. The proposed playground is permitted by conditional use permit. The playground is consistent with the current context that includes the existing school. However, all playgrounds are limited to the 30% use of artificial turf, and 54% artificial turf is proposed.***

- (5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.

***Noncompliance. The use of the permeable artificial turf for the playground is consistent and functional for areas that involve high wear and tear and would make the playground user and maintenance-friendly. Granting the variance would confer a special privilege. However, the lots could still be used as a playfield if sodded.***

- (6) The grant of the variance will be in harmony with the general intent and purpose of this chapter.

***Compliance. Adding additional open space, a playground is in harmony with the***

***present context and hence maintains the general intent and purpose of the chapter.***

- (7) Such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

***Compliance. Having the existing school add open space with permeable artificial turf will not be detrimental to the public welfare.***

**Why Action is Necessary:**

Section 32-144(c)(1) and Section 32-965(a) of the City's Code of Ordinances require City Commission approval of conditional uses and variance applications.

**Cost Benefit:**

The estimated construction cost of the expansion project is approximately \$103,000. The building permit fees for the proposed improvements will be approximately \$2,000.

**STAFF RECOMMENDATIONS:**

The applicant proposes to expand the grounds of the Posnack Hochberg Lower School East Campus to provide a playground for outdoor recreational space for the existing school's student body.

**Conditional Use Permit Application:**

The Code permits schools in RD-12 zoned properties as a conditional use. The use is also consistent with the City's Comprehensive Plan. The proposal includes the required masonry wall to screen the use from adjacent properties. However, due to the proximity to nearby residential uses, in staff's opinion, the use of the playfield should be limited.

Staff has no objections to the approval of the Conditional Use Permit subject to the following conditions:

1. The Applicant shall execute a Unity of Title covenant tying the subject lots to the main school site prior to the issuance of the building permit for the improvements.
2. The playground shall not be used earlier than 7:30 A.M. or in the evening hours later than 8:00 PM.
3. The playground shall not be illuminated.
4. The capacity of the school shall remain as originally approved by the City Commission.

**Variance Application:**

The use of the permeable artificial turf for the playground is consistent and functional for areas that involve high wear and tear such as a school and would make the playground easier to maintain. However, the lots could still be used as a playfield if sodded.

In staff's opinion, the request does not meet all the criteria for granting a variance, therefore, staff

does not support approval of the variance as requested.

Staff is in the process of recommending amendments to the landscaping code requirements, which include increasing the use of artificial turf from the existing limit of 30% to 50% for consideration by the City Commission. However, the applicant's proposal of 54% would still exceed the proposed limit. As such, staff would not object to a variance for artificial turf not to exceed 50%.

**PROPOSED ACTION:**

The City Commission considers:

- Approval of Application #CU-22-118 Conditional Use application subject to staff's conditions.
- Approval of Application #V-22-821 for the Variance to exceed the permitted use of artificial turf, subject to the applicant reducing the amount of artificial turf to no more than 50%.

**ATTACHMENT(S):**

Exhibit 1- Proposed Resolution

Exhibit 2 - Location Map

Exhibit 3 - Aerial Map


Exhibit 4 - Applicant's Letter and Backup

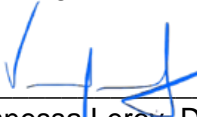
Exhibit 5 - Development Plans

Exhibit 6 – Planning and Zoning Board Cover Memo dated March 23, 2022

Exhibit 7 – Draft Minutes of the Planning and Zoning Board Meeting of March 23, 2022

Exhibit 8 – Presentation

Prepared By:   
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Planning and Zoning Manager

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Director, CESD Department

Reviewed By: Sharon Ragoonan  
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