



City of Hallandale Beach City Commission Agenda Cover Memo

Meeting Date:	May 17, 2017		Item Type: <small>(Enter X in box)</small>	Resolution <div style="text-align: center;">X</div>	Ordinance	Other
Fiscal Impact: <i>Private school that will pay impact fees, ad valorem taxes</i>	Yes	No	Ordinance Reading: <small>(Enter X in box)</small>	1st Reading	2nd Reading	
		X	Public Hearing: <small>(Enter X in box)</small>	Yes	No	
				X		
Funding Source:	N/A		Advertising Requirement: <small>(Enter X in box)</small>	Yes X	No	
Account Balance:	N/A		Quasi-Judicial: <small>(Enter X in box)</small>	Yes X	No	
Project Number :	#DB-16-03577 and #V-16-03579 <i>SW 11th Street School</i>		RFP/RFQ/Bid Number:	N/A		
Contract/P.O. Required: <small>(Enter X in box)</small>	Yes	No	Strategic Plan Priority Area: <small>(Enter X in box)</small> <div style="display: flex; justify-content: space-between;"> <div>Safety</div> <div><input type="checkbox"/></div> </div> <div style="display: flex; justify-content: space-between;"> <div>Quality</div> <div><input checked="" type="checkbox"/></div> </div> <div style="display: flex; justify-content: space-between;"> <div>Vibrant Appeal</div> <div><input checked="" type="checkbox"/></div> </div>			
		X				
Sponsor Name:	Roger M. Carlton, City Manager		Department: Development Services	Keven Klopp, Development Services Director		

Short Title:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, APPROVING MAJOR DEVELOPMENT APPLICATION #DB-16-3577 FOR THE PROJECT KNOWN AS THE SW 11TH STREET SCHOOL LOCATED AT 412 SW 11TH STREET AS RECOMMENDED BY THE CITY ADMINISTRATION; AND PROVIDING AN EFFECTIVE DATE.

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, APPROVING VARIANCE APPLICATION #V-16-03579 FOR THE CONSTRUCTION OF THE SW 11TH STREET SCHOOL PROJECT LOCATED AT 412 SW 11TH STREET; PROVIDING AN EFFECTIVE DATE.

Request:

NC Equity Partners LLC is requesting Major Development Plan approval and Variance pursuant to the Zoning and Land Development Code to build the SW 11th Street School with a total of 25,022 square feet in gross floor area at 412 SW 11th Street.

Staff Summary:

Background

The Project Site consists of 10 vacant lots at the property located at 412 SW 11th Street previously owned by Eileen and Lynn Schwartz and the former site of the Ro-Len Retail Center which has since been demolished. The applicant filed Applications #DB-16-3577 and #V-16-3579 for Major Development Review and Variance and is proposing to build a two- story private school facility for grades Pre-Kindergarten through 5th Grade. (not a public charter school)

The applications are as follows:

1. Application# DB-16-3577, for Major Development Review approval pursuant to Section 32-782 of the Zoning and Land Development Code in order to construct a 25,022 square feet private school.
2. Application# RD-16-3579 requesting a variance from Section 32- 149 (d)(4) relative to the maximum height allowed of buildings in the Business Limited (B-L) District which are not located on Hallandale Beach Boulevard or U.S. 1.

On June 8, 2016, the applications were presented to the Planning and Zoning Board. The Board recommended approval of the Variance application by a vote of 4 to 0. They recommended approval of the Major Development application by a vote of 3 to 1 with staff's recommendations and the following additional recommendations:

1. There be no cooking on site.
2. A maximum of 420 students.
3. The Operations Plan shall be amended as deemed necessary by Staff.

Please refer to the Planning and Zoning Board Cover Memo dated February 22, 2017 (Exhibit 6) and Draft Minutes of the Hearing (Exhibit 7).

On April 19, 2017, the City Commission held a Public Hearing on the subject application. After input from the public, the Commission moved to defer the public hearing to its meeting of May 17, 2017 to allow time for the applicant to hold a Community Meeting on the Project and obtain additional input from the public. The Community meeting was held on May 8, 2017. In addition, the Commission requested the City's Traffic Consultant Engineer observe real time operations at 4 similar schools and conduct an analysis, including timing of loading and unloading students to determine more specific queuing needs for the proposed school. The City's Traffic Consultant Engineer's findings/report is attached as Exhibit 12.

Also, the City Manager and staff met with the developer to discuss additional conditions of approval to minimize any adverse effects as a result of the proposed school, and address issues raised by the public and the City Commission at its meeting of April 19, 2017. The proposed conditions are listed under the Recommendations Section on Page 9 of this report.

Why Action is Necessary

Pursuant to Section 32-782(a) of the Zoning and Land Development Code, City Commission approval of Major Development applications to construct new nonresidential development with 4,000 square feet or more in floor area. The proposal is to build a 25,022 square feet nonresidential building, thus, consideration and action by the City Commission is required.

Pursuant to Section 32-961, since variances are needed for the proposed development, consideration and action by the City Commission is also required.

Analysis

Development Details

The applicant's plans depict the following:

1. A 52,856 square feet (1.21 acre) vacant parcel at the intersection of SW 11th Street and 4th Terrace.
2. A school facility consisting of 25,022 square feet in gross floor area (GFA) including 21 classrooms, a cafeteria - *without cooking facilities* - for serving prepared food, play area and administrative office space.
3. A portion of the proposed building is 28 feet/2 stories in height. (max. allowed is 25 feet in height).
4. A surface parking lot with 40 parking spaces (40 spaces are required).
5. On-site queuing spaces for 18 vehicles. (10 spaces are needed).
6. 30.75% of the site will be landscaped (15% is the minimum required).
7. The building will be setback 65 feet from SW 11th Street (50 feet is the minimum); 10 feet from the rear (10 feet is the minimum); 25'-2" from the side corner (25 feet is the minimum); and 25 feet to the adjacent residential use on the west side (25 feet is the minimum).
8. A new 5 feet concrete sidewalk along the perimeter of the property.
9. A 6 feet masonry wall setback two feet from the property line along SW 10th Street and SW 4th Avenue across from the residential uses with visibility sheds for motor vehicles as required by Code, ensuring that the 25 foot triangular areas at street and driveway intersections are unobstructed by buildings, fences, walls, etc. for oncoming traffic visibility.
10. A 6 feet aluminum picket fence along SW 11th Street.
11. A total of 36 trees for credit are provided on-site trees (36 on-site trees are required).

Comprehensive Plan Considerations

The property is designated Neighborhood Commercial on the City's Future Land Use Map. The proposed school facility is permitted under the land use category. The proposed development will assist in furthering the following goals, objectives and policies of the City's Comprehensive Plan detailed in the Planning and Zoning Board Cover Memo incorporated by reference (Exhibit 6).

Applicable Codes and Ordinances

1. The proposed private school use is permitted by the present Business Limited Zoning.

2. The Project consists of a school with 25,022 square feet and 21 classrooms for grades Pre-Kindergarten through 5th Grade.
3. The applicant's proposal meets all the site development standards specified for properties zoned Business Limited (B-L) with one exception: a portion of the building is two-story/ 28 feet in height, which is 3 feet higher than the 25 feet maximum height allowed for B-L properties not located on Hallandale Beach Boulevard or U.S.1.

As a result, the applicant has requested a variance from the Code requirement in order to build the school 3 feet taller (12% increase) than specified by Code.

4. The City's Zoning and Land Development Code does not specify the number of parking spaces required for schools. Therefore, the State Requirements for Florida Educational Facilities(SFEF) applies which refers to the Florida Building Code (FBC), Chapter 4 and requires 1 parking space /staff or faculty member and 1/100 students for visitors.

Staff requested and the applicant provided an Operations Information Plan (Exhibit 3) describing the operations of the school. According to the Plan, the school will have 35 staff members and 420 students. Based on the above-mentioned standard, 40 spaces would be required and 40 spaces are provided. Therefore, the proposal meets the parking required per the applicable Code.

5. Section 32-149 (d) (4) requires a minimum of 15% landscaped area for B-L zoned properties.

The applicant proposes 30.75% which exceeds the minimum required.

Variance Criteria

Pursuant to Section 32-965, Pursuant to Section 32-965, a variance to the terms of the code that will not be contrary to the public interest where, due to special conditions, a literal enforcement of the provisions of the code will result in unnecessary and undue hardship may be granted by the City Commission in compliance with the requirements of this code.

Accordingly, the following standards shall be observed in making any decisions or recommendations on variances

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 proposed project is the former site of the Ro-Len Retail Center which was demolished in October 2016. The project has been designed to meet all applicable codes except the overall building height. There are special conditions which are peculiar to the land involved and are not generally applicable to other lands in the same zoning district. Properties zoned B-L are permitted 100 feet in height at other locations, specifically on Hallandale Beach Boulevard and on U.S 1. The proposed building is one story along the west property line and 2 story/28 feet in height along the north property line, 12% higher than the maximum allowed height of 25 feet for properties not located on Hallandale Beach Boulevard or U.S.1. The adjacent and surrounding residential properties are zoned RD-12 District which permits 2-story single family and duplex structures at a height of 30 feet, more than the 25 feet restriction of this B-L property.

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

Compliance. According to the applicant, there are special conditions and circumstances which make the variance necessary. The 3 feet extension beyond the allowable height of 25 feet is necessary to allow for proper ceiling clearance and accommodate infrastructure such as joists, ductwork and utilities in the 2-story portion of the proposed school. (Building height is measured from the minimum flood elevation required for the building to top of the roof of the habitable floor. Parapets can extend beyond the maximum height allowed as an architectural feature to screen A/C units or other mechanical roof-mounted equipment if necessary to comply with code which does not allow such equipment to be visible.)

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.

Compliance. Granting the request would not confer a special privilege to the property that would be denied to other similar properties in the same zoning district. The property is zoned B-L District which purpose is to provide for a variety of commercial uses, including schools. Properties in the same district are permitted building heights of up to 100 feet depending on the location. Also, 2 story buildings are permitted on adjacent and surrounding properties at a height of 30 feet, more than the 25 feet restriction of the zoning of the property, and more than the 28 feet height of the proposed school.

4. Literal interpretation of the provisions of this chapter would deprive the applicant of 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.

Compliance. Literal interpretation of the Code would deprive the applicant of rights commonly enjoyed at other properties in the same zoning district. Other B-L zoned properties and the zoning of adjacent and nearby properties allow buildings taller than 25 feet.

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

Compliance. The requested variance is the minimum variance that would make possible the reasonable use of the land. The requested variance will provide for more effective use of the proposed school.

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

Compliance. The purpose and intent of B-L District is to provide for suitable sites for development of retail, office and service nature. Daycares, private and public schools are included in the permitted uses of the District. Granting the requested variance will allow for more efficient use of the school building and will be in harmony with the intent and purpose of the Code.

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

Compliance. The proposed variance would not be injurious to the area involved or otherwise detrimental to the public welfare.

Major Development Review Criteria

Article V, Section 32-787 specifies the following criteria shall be utilized in the review and evaluation of applications for Major Development Review approval:

1. Natural Environment

The property is a vacant lot. There are no rare, historical or valuable trees on the property. However, there are 2 mature Mahoganies to be preserved.

2. Open Space

30.75% of the property will be landscaped, exceeding the minimum 15% required by Code.

Thirty-six (36) trees are required and 39 trees for credit are provided on-site. The grounds will be substantially landscaped with canopy trees, ornamental trees and shrubbery, such as, Live Oaks, Green Buttonwood, Pigeon Plum, Geiger Trees and Wild Tamarind. An additional 23 street trees are also proposed consisting of Gumbo Limbos and Geiger trees.

3. Circulation and Parking

On-site vehicular circulation is designed to provide safe and free movement for vehicular traffic, emergency and service vehicles within the proposed project. The parking required for the proposed use pursuant to the Florida Building Code, the applicable Code, is 40 spaces and 40 spaces are provided.

Per the Operations Information Plan provided by the applicant, the school will have 15 to 20-minute separation between start time shifts. Release times will also be staggered with early release for Pre-K at 11:45 a.m., Pre-K thru 2nd Grades at 2:45 p.m. and 3rd thru 5th Grades at 3:05 p.m. In addition, the school will have an aftercare program until 5 p.m. which is estimated to have a 30% participation.

The Traffic Study for the project included an analysis of the expected queuing spaces for adequate student drop-off and pick-up. According to the Study, based on the proposed staggered arrival and pick-up times, 10 spaces are required and 18 spaces are provided. The City's Transportation consultant for this project, Michael Miller and Associates (MMA), reviewed the Study and the Operations Plan and concluded the site design could adequately handle the expected number of employees and student drop-off/pick-up without impacting the neighborhood.

4. Access Control

Access to the property has been designed to minimize the number of driveway access points necessary to enter and exit. A two-way driveway is proposed on SW 11th Street. The parking lot is also accessible from a second driveway on SW 4th Terrace. Per the Operations Plan, the gates to this street will be closed during arrival and dismissal times to allow for proper queuing of vehicles and safety considerations of the children.

5. Public Transportation

Broward County Transit bus route No. 6 services SW 11th Street. The City's mini-bus does not have a route on SW 11th Street.

6. Community Services

A dumpster enclosure is provided in the parking lot area with proper accessibility for the City's sanitation vehicles which will service the facility.

The applicant is installing a new 5 feet wide concrete sidewalk along SW 10 Street and 4th Terrace. He is also replacing the existing sidewalk along 11th Street with a new concrete sidewalk. Swale areas separating vehicular traffic from the 5 feet wide sidewalks will be landscaped with trees and sod between the sidewalk and road pavement. The Police Department recommended the adjacent swale areas be posted with No Parking signs in order to inhibit parents waiting for dismissal time from parking in the swale areas. The requested signage have been included in the plans.

Paved areas are proposed to have underground catch basins for storm water runoff. Storm water must be retained on site. Drainage calculations will be required at time of permitting. The applicant will be required to comply with the Department of Environmental Protection (DPEP) regulations and City criteria to retain a 5-year 1-hour storm on site.

7. Concurrency Evaluation

According to Article V Section 32-782, determination of concurrency must occur prior to the approval of a building permit.

Staff has conducted a concurrency evaluation of the project relative to its impact on water, sewer, solid waste, drainage, and transportation. Staff has determined that concurrency requirements have been met.

The developer has submitted an Impact Evaluation Report as required by Section 32-788 that addresses each issue. The following is a summary of the expected impacts to the various public utilities for reference.

Potable Water - According to the criteria in the Impact Evaluation Report, the development will generate the need for approximately 5,004 gallons of potable water per day (GPD). The City Water Plant's current capacity is 9 MGD. The City's current demand is about 6 MGD. There is sufficient capacity to provide for the proposed development. The applicant will be required to pay the City \$ 22,916.25 in water impact fees as required by Section 30-247 through Section 30-260 of the Code of Ordinances.

Wastewater – The City has a Large User Agreement with City of Hollywood and several other communities for wastewater treatment. According to the applicant, the wastewater demand for the project is 4,544 GPD. There is sufficient capacity to provide for the proposed development. The applicant will be required to pay the City \$32,271.75 in sewer impact fees.

Water and wastewater impact fees are estimates and are payable per Section 30-253 when the building permit is issued or when a request for capacity is made.

In addition, the City requested the services of Hazen and Sawyer, the City's waste water consultant to determine the impact of the proposed development to the wastewater infrastructure owned and operated by the City. The results of the Modeling Study determined the development would impact Lift Stations Numbers 9, 12 and 14, requiring upgrades as a result of the proposed development. The applicant will be required to pay his proportionate share of the cost of the improvements in the amount of \$47,502.00 (Exhibit 10).

Transportation System – A Traffic Study providing an analysis of the impact of the facility as related to current and projected roadway usage and design capacities was conducted. The proposed use would generate 542 daily trips with 189 AM peak hour trips and 35 PM peak hour trips. The proposed project results in a decrease of 1,270 daily trips/ an increase of 144 AM peak hour trips and a decrease of 35 PM peak hour trips than the previous 13,000 sq. ft. commercial center. The City's Transportation consultant for this project, Michael Miller and Associates (MMA), reviewed the Study and determined the project would not significantly impact the City's transportation system.

The applicant will be required to mitigate for traffic and transportation impacts as set forth by Section 32-794, "Traffic and Transportation Facilities". The City's transportation mitigation cost for this project is \$115,596.00.

8. Energy Conservation/Green Building

Section 32-787 (k), the City's Green Building Program, requires new commercial buildings greater than 50, 000 square feet in floor area or any project requesting financial assistance from the community redevelopment agency (CRA) to obtain a green building certification from a recognized environmental rating agency accepted by the City.

The Project has less than the 50, 000 square feet in floor area and is not seeking CRA funding, therefore, Green Building certification is not required. However, the applicant has incorporated green initiative principles in the construction of the building, such as, the use of recyclable concrete, reflective roof and high insulation, in addition to energy efficient site lighting and low irrigation landscaping.

Financial Impact

The project's anticipated market value at build-out is \$7.5 Million. It is expected the proposed development will generate approximately \$43,498.50 in real estate taxes. Approximately \$41,323.58 of the revenue would go to the City's CRA. The estimated building permit fee is approximately \$60,000 based on the estimated construction cost of \$3 Million.

Staff Summary - Variance Application #V-16-3579

The property is zoned Business Limited (B-L) District which purpose is to provide for a variety of commercial uses, including schools. The applicant has made a significant effort in complying with the site development standards for properties zoned B-L District and is requesting a variance of 3 feet over the maximum height of 25 feet specified by Code for a total height of 28 feet. It should be noted that two-story buildings are permitted on adjacent and surrounding residential properties at a height of 30 feet.

Although a variance is requested, the applicant's proposal will result in significant improvements to the property which will enhance the area. In staff's opinion, the proposed development will have a positive effect on the area and encourage redevelopment/reinvestment.

Staff Summary- Major Development Application #DB-16-3577

The subject property is located within the City's Community Redevelopment Area (CRA) which purpose is to promote economic development and enhance quality of life by eliminating blighted conditions through the facilitation of community partnerships, business growth, job creation, and

neighborhood rehabilitation. The proposed use is consistent with the City's County Line Road Corridor Plan which purpose and objectives include, appropriate reuse of nonconforming properties, improved appearance of the area, and commercial property improvement. The proposed use is also consistent with the zoning district and the City's Comprehensive Plan.

Staff Recommendation

In furtherance of the Comprehensive Plan, Zoning and Land Development Code and other applicable City provisions; and based upon the finding of facts contained herein, Staff recommends the City Commission approve the proposed project as presented subject to the following conditions:

1. Payment of the City's water impact fee in the amount of \$22,916.25.
2. Payment of the City's sewer impact fee in the amount of \$32,271.75.
3. Payment of the City's transportation mitigation cost in the amount of \$115,596.00.
4. Payment towards the cost of upgrades to the affected sewer system lift stations in the amount of \$47,502.00.
5. There shall be no cooking on site.
6. The school shall be limited to a maximum of 420 students.
7. The Operations Plan shall be amended as deemed necessary by Staff.
8. There shall be no queuing allowed on County Line Road beyond the Project's property line.
9. An off-duty police officer shall be required at the applicant's expense, at SW 4th terrace/County Line Road during drop-off and pick-up times to control the traffic.
10. Drop-off and pick up times shall be according to age groups with early drop-offs for older children and later drop-offs for younger children.
11. No left-turns shall be permitted to exit from the property during drop-off or pick-up hours.
12. Provide for multiple drop-off/pick up points (at least 4) on site with appropriate staffing.
13. Driveway on SW 4th Terrace will be gated during drop-off /pick-up hours.
14. The City will monitor any adverse effects from the school operation for the first 60 days after opening, in which case, the City may require the hiring of additional off-duty police officers as deemed necessary by the City and/or adjustments to the Operational Plan.
15. The school will provide and require an ongoing educational program for parents on proper pick-up/drop-off school rules.
16. There will not be any event held on premises which would generate attendance by more than 40 vehicles. Failure to abide will result in the issuance of civil citation on the applicant.
17. The applicant will commit, at its expense, for a period not to exceed 3 years, to painting of the existing wall along County Line Road which separates Broward from Miami-Dade County for the full length of the wall. The painting process shall be subject to City approval.
18. The applicant shall have aspirational goal of 50% of annual students be Hallandale residents. To that end, the applicant will adhere to the following:
 - a. Hold early registration for Hallandale Beach residents.
 - a. Hallandale Beach residents shall have priority to open seats.
 - b. Market the school program to Hallandale Beach residents.
 - c. Provide training/assistance to Hallandale Beach parents with applications for State funded scholarships or programs, such as, Step Up, McKay, or other similar State funding programs.
 - d. Establish a program for waiving the difference between the State-funded amount and the school tuition if higher, for qualified Hallandale Beach students awarded full State funding assistance.
 - e. Provide annual reports to the City on the school performance in achieving the above desired goal.
19. The building shall meet the green and sustainable design standards as specified in Exhibit # 11.

20. All instructional personnel and school administrators that have direct contact with students shall comply with all requirements of Florida Statute 1012.315.

Proposed Action:

Application #DB-16-03577:


Staff recommends the City Commission approve the attached Resolution approving the Major Development Application for the SW 11th Street School Project subject to the conditions enumerated above.

Application #DB-16-03579:

Staff recommends the City Commission approve the attached Resolution approving the Variance for the SW 11th Street School Project.

Attachment(s):

- Exhibit 1- Location Map
- Exhibit 2- Aerial Map
- Exhibit 3- Applicant's Letter and Operations Information Plan
- Exhibit 4- Building Rendering, Development Plans and Applicant's Backup
- Exhibit 5- City Traffic Consultant Report
- Exhibit 6 - Planning and Zoning Board Cover Memo February 22, 2017
- Exhibit 7 - Planning and Zoning Board Draft Minutes of February 22, 2017
- Exhibit 8 - Resolution approving the Variance for the SW 11th Street School
- Exhibit 9 - Resolution approving the Major Development Plan for the SW 11th Street School
- Exhibit 10- SW School Sewer Capacity Improvements Cost
- Exhibit 11- Sustainability Statement of Proposed Green Initiatives for SW 11th Street School
- Exhibit 12- Supplemental School Evaluation Report

Prepared by: 
Christy Dominguez
Principal Planner

Concurred with: 
Keven R. Klopp, Director
Development Services