

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director/(954) 797-1101

SUBJECT: Quasi Judicial Hearing: Special Permit
SE 2-1-02 LaFlamme/University Private School, 5531 SW 82
Avenue/Generally located at the northwest corner of SW 55 Court
and SW 82 Avenue.

AFFECTED DISTRICT: District 2

TITLE OF AGENDA ITEM:

SE 2-1-02 LaFlamme/University Private School, 5531 SW 82 Avenue (CF)

REPORT IN BRIEF: The petitioner is requesting to use five (5) portable classroom buildings at 5531 SW 82 Avenue for a period of time not to exceed three (3) years until new permanent school buildings are constructed. A site plan showing the location of the portable classroom buildings has been submitted. There will not be an increase in the 178 students that the facility is licensed to serve. Currently there are two (2) existing portable classroom buildings that were approved via the site plan process.

The intent of a special permit application is for Town Council to review uses that are permitted within a zoning district but may have adverse impacts on the surrounding area. Staff finds that the use of a portable classroom buildings is a compatible use on the subject site, and will not have an adverse impact on the surrounding properties. The buildings will be located 35' from the northern limits of the site, exceeding the minimum 25' side setback requirement. Furthermore, the site is buffered by dense vegetation, and the buildings will not be visible from the public right-of-way. Staff has no objection to the use of the portable classrooms until the permanent school buildings are completed, however, staff does have concerns regarding their removal.

PREVIOUS ACTIONS: None

CONCURRENCES: At the April 10, 2002 Planning and Zoning Board meeting Vice-Chair Bender made a motion, seconded by Ms. Moore, to approve (Motion carried 5-0).

FISCAL IMPACT: None

RECOMMENDATION(S): Motion to approve on the condition that all five (5) portable classroom buildings shall be removed from the site at the end of the three (3) years or prior to the issuance of Certificates of Occupancy for the new school buildings.

Attachment(s): Planning Report, Justification letter, Land Use Map, Subject site map

Application #: SE 2-1-02
Exhibit "A"

Revisions:

Original Report Date: 4/25/2002

TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation

APPLICANT INFORMATION

Owner:

Name: University Private School

Address: 5531 SW 82 Avenue

City: Davie, FL 33328

Phone: (954)434-6337

Agent:

Name: Ronald J. LaFlamme

Address: 4270 SW 92 Avenue

City: Davie, FL 33328

Phone: (954)915-8885

BACKGROUND INFORMATION

Date of Notification: April 3, 2002 **Number of Notifications:** 36

Application History: No deferrals have been requested.

Application Request: Special Permit pursuant to Section 12-34(P)(1)(c) of the Land Development Code which allows trailers to be used as a temporary office or shelter for a period of time up to eighteen (18) months; **TO:** allow five (5) portable classroom buildings to be used for period of time not to exceed three (3) years while construction of new school buildings takes place. There will not be an increase in the number of students that the facility serves.

Address/Location: 5531 SW 82 Avenue/Generally located at the northwest corner of SW 55 Court and SW 82 Avenue.

Future Land Use Plan Designation: Residential (3 DU/AC)

Zoning: CF, Community Facilities District

Existing Use: University Private School

Proposed Use: same

Parcel Size: 4.68 acres (203,973 square feet)

Surrounding Land

Surrounding Uses:
North: Vacant, future site of Phoenician Cove

Use Plan Designation:
Residential (3 DU/AC)

South:	Davie Lakes	Residential (3 DU/AC)
East:	Atrium Center's retention pond	Commercial
West:	United Pentecostal Church	Community Facility

Surrounding Zoning:

North:	R-3, Low Density Dwelling District
South:	R-3, Low Density Dwelling District
East:	B-3, Planned Business Center District
West:	CF, Community Facilities District

ZONING HISTORY

Related Zoning History: None.

Previous Request on same property: Town Council approved the site plan, SP 1-8-80 Hilltop Montessori Elementary School, on March 17, 1980.

Town Council approved the site plan, SP 8-3-84 Hilltop School/Carol Bubani, on September 19, 1984.

Town Council approved ZB 1-3-88 with Ordinance 88-21, rezoning the site from A-1, Agricultural District to CF, Community Facilities District on May 4, 1988.

Town Council approved the University Acres Plat (144-11) with Resolution 88-185 on July 20, 1988.

APPLICATION DETAILS

The petitioner is requesting to use five (5) portable classroom buildings at 5531 SW 82 Avenue for a period of time not to exceed three (3) years until new permanent school buildings are constructed. A site plan showing the location of the portable classroom buildings has been submitted. There will not be an increase in the 178 students that the facility is licensed to serve. Currently there are two (2) existing portable classroom buildings that were approved via the site plan process.

Applicable Codes and Ordinances

Section 12-35 of the Land Development Code states that the Town Council may grant a special permit for uses which have some special impact or uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location.

Section 12-34(P)(1)(c) of the Land Development Code states that a trailer may be used as a temporary office or shelter (for a period of up to eighteen (18) months) incidental to construction or development of the premises on which the trailer is located. The applicant must maintain an active building permit for the site while the trailer is in use. If it is determined that the building permit is no longer valid, the trailer shall be removed from the site within thirty (30) days. An application for special permit may be submitted pursuant to

the requirements contained herein for extension of the eighteen-month time period.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 10. This Planning Area is generally located north of Stirling Road, south of Griffin Road, east of Pine Island Road, and west of SW 76 Avenue. Pine Island Road, a major north/south arterial, on the western limits of this planning area provides through access from Griffin Road to Stirling Road. Commercial development of retail centers and office buildings line the University Drive corridor. The east side of this corridor is predominantly small-scale commercial development, with multi-family residential development (one existing, one proposed) and plant nurseries on the northern half of the corridor, and commerce park development and cattle grazing on commerce park-zoned lands on the southern half. Commercial development also exists along Griffin Road within this planning area. Several small-scale single-family residential communities, two trailer parks totaling approximately 30 acres in area, and an 8 acre industrial park are located within this planning area, together with six parcels zoned for community facilities uses. These include, but are not limited to, a regional library, multiple church uses varying scales, a girl scout campground facility, and a private school.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 102.

Applicable Goals, Objectives & Policies: None.

Staff Analysis

The intent of a special permit application is for Town Council to review uses that are permitted within a zoning district but may have adverse impacts on the surrounding area. Staff finds that the use of a portable classroom buildings is a compatible use on the subject site, and will not have an adverse impact on the surrounding properties. The buildings will be located 35' from the northern limits of the site, exceeding the minimum 25' side setback requirement. Furthermore, the site is buffered by dense vegetation, and the buildings will not be visible from the public right-of-way. Staff has no objection to the use of the portable classrooms until the permanent school buildings are completed, however, staff does have concerns regarding their removal.

Findings of Fact

Review for Special Permits:

Section 12-308(A)(1)(a):

- (i) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;
- (ii) The proposed change will not create an unrelated an incompatible use;

- (iii) The proposed change will not adversely affect living conditions in the neighborhood or the town;
- (iv) The proposed change will not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;
- (v) The proposed change is not expected to adversely affect surrounding property values;
- (vi) The proposed change is not expected to be a deterrent to the improvement or development of other property in accord with existing regulations;
- (vii) The proposed change will not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public.

Staff Recommendation

Recommendation: Based upon the above and the finding of facts in the positive, staff recommends approval of petition SE 2-1-02, on the condition that all five (5) portable classroom buildings shall be removed from the site at the end of the three (3) years or prior to the issuance of Certificates of Occupancy for the new school buildings.

Planning & Zoning Board Recommendation

At the April 10, 2002 Planning and Zoning Board meeting Vice-Chair Bender made a motion, seconded by Ms. Moore, to approve (Motion carried 5-0).

Exhibits

- 1. Justification letter
- 2. Land use map
- 3. Subject site map

Prepared by: _____

Reviewed by: _____

**LaFlamme Architectural
Design Corporation**
No. AA-0002836

4270 S.W. 92 Avenue
Davie, FL 33328
Phone (954) 915-8885
Fax (954) 915-8625

February 14, 2002

Town of Davie
Development Services Department
Planning and Zoning Division
6591 Orange Drive
Davie, FL 33314-3399

Re: University Private School of Montessori
Special Permit Application
5531 S.W. 82nd Avenue
Davie, FL 33328

Dear Zoning Officials:

Please be advised that we are requesting a Special Permit pursuant to section 1234(p)(1) to install 5 portable classroom buildings on the existing school property which is zoned CF. We consider this request to be in compliance with the Code of Ordinances and specifically Section 27-804(f) as follows:

1. The installation of a school was previously approved in 1988 when the land was platted for this purpose and remains in compliance with the current comprehensive plan, as amended, or any portion thereof.
2. The project will not create an incompatible or unrelated adjacent use since it is consistent with the comprehensive plan to locate Community Facilities such as Churches and Schools adjacent to residential areas.
3. The project will not adversely affect the living conditions in the neighborhood or town since all activities remain on site behind berms and landscaping buffer yards.
4. There will not be any increase in vehicular traffic generated because this request does not propose to increase the number of students we are already approved for and many of our students ride a bus.
5. Since the use of the property is not changing there can be no change to the surrounding property value as a result of this project.
6. There will not be any deterrent to the improvement or development of adjacent property in accordance with the existing regulations.
7. Also this approval would not grant any special privilege to an individual owner since the school use is already established and the welfare of the general public will be improved by having an additional school of Montessori.

Thank you for your consideration of this Special Permit.

Sincerely Yours,

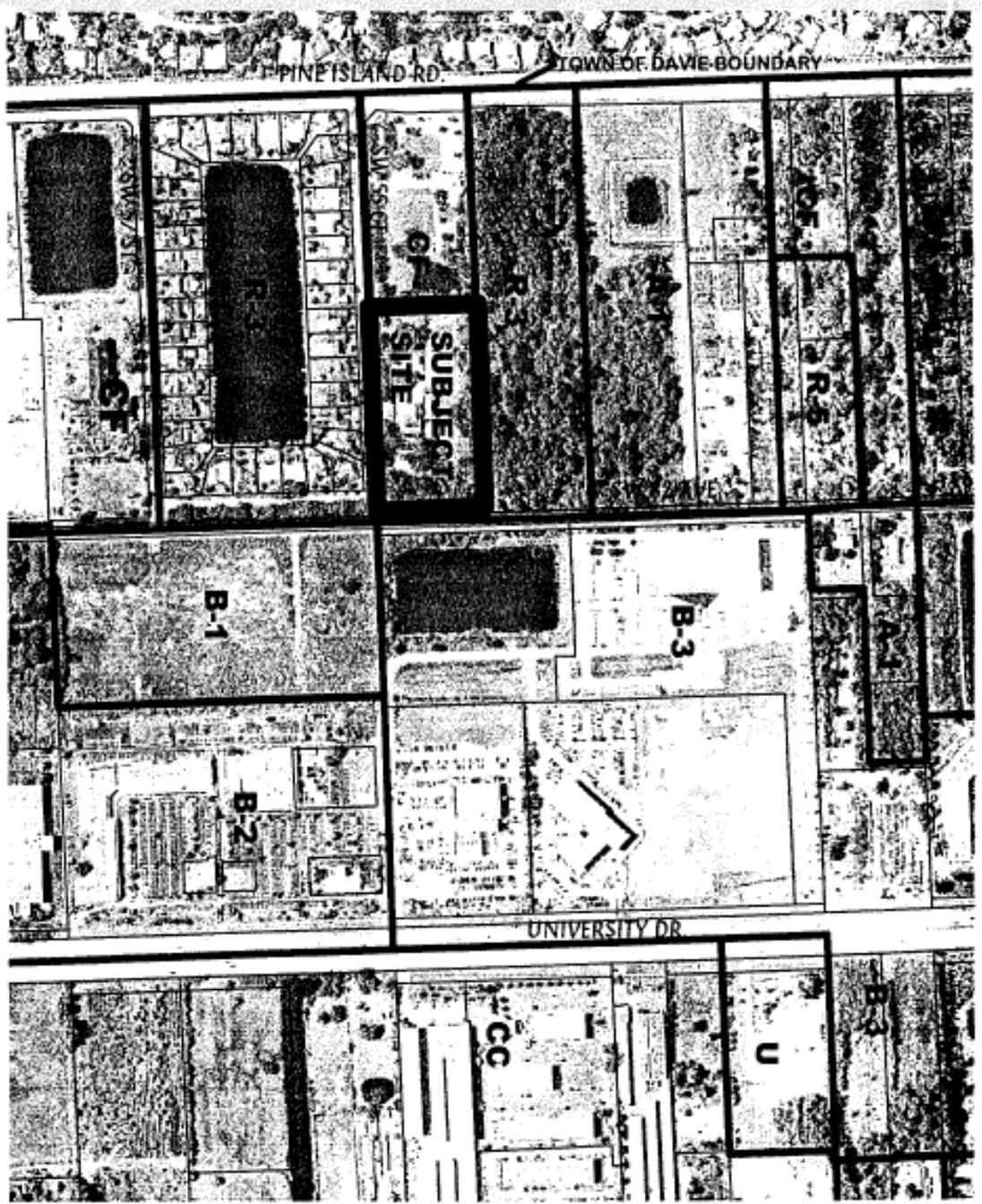
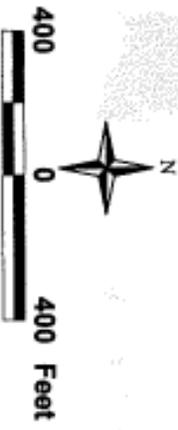


Ronald J. LaFlamme
President, AR 13980

rjl



PETITION NUMBER: SE 2-1-02
FUTURE LAND USE MAP
SCALE 1" = 400'
TOWN OF DAVIE
PLANNING & ZONING DIVISION - GIS
PREPARED: 3/6/02



PETITION NUMBER: SE 2-1-02
DATE FLOWN: JANUARY 2001
SCALE: 1" = 400'
TOWN OF DAVIE
PLANNING & ZONING DIVISION- GIS
PREPARED : 3/6/02