



TOWN OF DAVIE
PLANNING & ZONING DIVISION
6591 ORANGE DRIVE • DAVIE, FLORIDA 33314-3399
Phone: 954.797.1103 • www.davie-fl.gov

PLANNING REPORT

Project Name	
Atlantic Montessori Charter School	

Application	
Request/Number:	Variance (V)/15-192
Owner	Moses Family Limited Partnership
Petitioner	Same as Owner
Project Planner	David Stallworth
Date of Report	10/22/2015
Date of Public Participation	N/A
Date of Public Notification	10/14/2015
Date of Board Review	10/28/2015
Date of Town Council Review	12/02/2015

Location/Site	
Folio/Identification Number	50-40-13-11-0010
Address	2550 South Flamingo Road
Nearest North/South Road	Flamingo Road
Nearest East/West Road	Southwest 26th Street
Size (Approx. Acres)	2.37
Existing Use	Child Care Facility
Future Land Use	Residential 1 DU/Acre
Zoning	CF
Council District	4
Redevelopment Area	N/A
Overlay District	Scenic Corridor
Design Regulation	N/A
Flexibility Zone	100
Planning Area	2
Utilities Provider	Sunrise
Drainage District	Central Broward
Nearby Equestrian Trail	Peaceful Ridge
Nearby Recreational Trail	Peaceful Ridge
Nearby Park	N/A
Nearby Bus Route	N/A

Key Points
<ul style="list-style-type: none">• This is a request to approve a Variance to building setbacks for a new primary-level (K-5) charter school. The Code requires new schools to be situated at least 75 feet from an abutting residentially zoned property.• The subject property abuts residentially zoned properties to the north and east. The existing building is located within 73 feet of the north property line and within 37 feet of the east property line.

- Requests for approval of both a Site Plan and a plat note amendment to accommodate the proposed change in use correspond to this request.
- The current requirements for setbacks for new schools adjacent to residential properties were adopted in 2012 (Ordinance 2012-28).

History

1. Related Zoning Information:

- Rezoning (ZB) 6-2-97, a request to change +/-2.37 acres from the Agriculture (AG) to the Community Facilities (CF) Zoning District, was approved by the Town Council on 11/19/1997.

2. Previous Request(s): The following requests were approved by the Town Council:

- Plat (P) 10-6-98, *DC Center*, a 5.37-acre boundary plat creating 2 parcels was approved on 3/3/1999 (RE: R99-73).
- Variance (V) 12-5-98, *Scarfo/Moses Family Trust*, a request for a reduction in parking requirements for a proposed child care facility (from 75 to 42), was approved on 3/3/1999.
- Site Plan (SP) 12-6-98, *Room to Grow Day Care Center*, to facilitate the development of a 15,000-square-foot day care facility to accommodate up to 300 children, was approved on 4/7/1999, subject to conditions.

3. Concurrent Request(s):

- Delegation (DG) 15-099, *Atlantic Montessori Charter School*, to change a plat note restriction on the “DC Center” plat to facilitate a new, primary-level charter school.
- Site Plan (SP) 15-100, *Atlantic Montessori Charter School*, a request for Site Plan approval to facilitate the conversion of an existing day care facility into a new, primary-level (K-5) charter school.

Analysis

The following Staff analysis is based on the criteria established in §12-309(B)(1), Town of Davie Code, for variance applications:

- (a) There are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the same district, and that said circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building for which the variance is sought, and that alleged hardship is not self-created by any person having an interest in the property.

There are no known special site- or building-related circumstances driving this request. The existing day child care facility remains viable and does not require a Variance. The proposed change of use to a K-5 Educational use will be more intensive. K-12 Educational uses have been shown to be highly problematic when adjacent to residential properties, and the Code was revised in 2012 in consideration of those problems.

- (b) The granting of the variance is necessary for the reasonable use of the land or building and that the variance as requested is the minimum variance that will accomplish this

purpose.

Granting of the variance is not necessary for the reasonable use of the land. A day care facility has existed on the premises since 2002 and can continue to remain in operation, despite the latest Code provisions. There are other community facility-type uses that could use the premises without the need for a Variance.

- (c) That granting the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Again, the proposed change of use from a child care facility to a K-5 Educational use will be more intensive. K-12 Educational uses have been shown to be highly problematic when adjacent to residential properties, and the Code was revised in 2012 in consideration of those problems.

Recommendations

Staff finds the application complete and suitable for review.

Attachments

- | |
|---|
| <ol style="list-style-type: none">1. Petitioner Documentation2. Zoning Map3. Noticing Information |
|---|



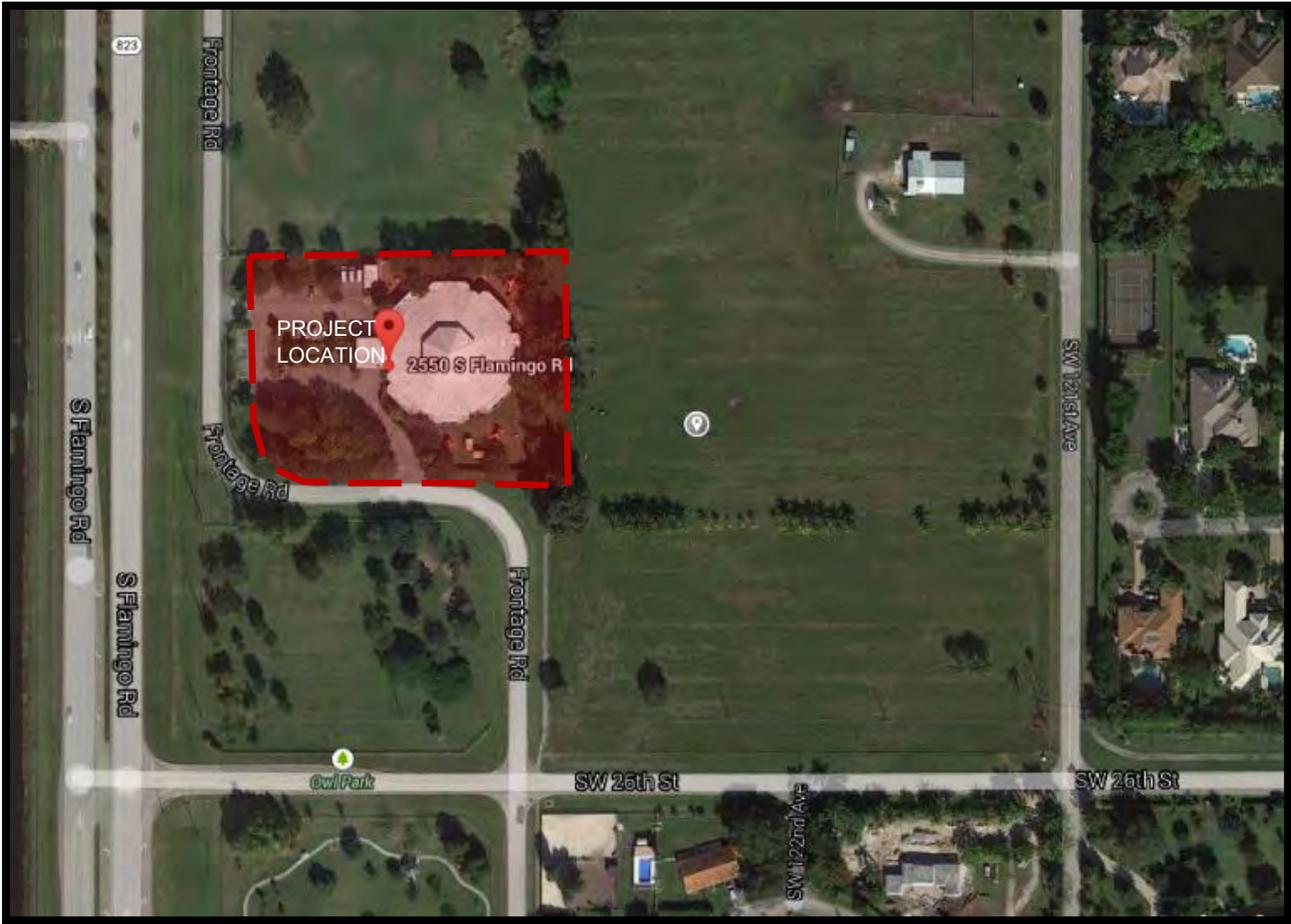
Atlantic Charter School, Inc.

2250 S. Flamingo Rd.

Davie, FL

Variance Request

October 8, 2015



Project Information

The subject site is generally located at the northeast corner of S. Flamingo Road and SW 26th Street in the town of Davie, Florida, serviced by Frontage Road ("Property"). The Property is identified by the Broward County Property Appraiser by folio number 5040 13 11 0010. The Property is bordered by agriculturally zoned parcels to the North, East, and South. The parcels to the west (across S. Flamingo Road) are zoned R-1. The Property has a Community Facility land use designation and is zoned Community Facility. All adjacent parcels have a Commercial Recreation land use designation. There is an existing building on the property which was lawfully permitted at the time of construction (2002) and is use as a day care facility. The proposal, as shown below is a special exception to convert the building's use to a school for Kindergarten through 5th grade which includes the following requests:

- Site Plan approval for a K-5 School
- Delegation Request for Town approval of a Plat Note Amendment (use restriction)
- Setback Variance along the north and east of property lines(required 75')

The following responses are provided relative to Section 12-309 (B) (1),

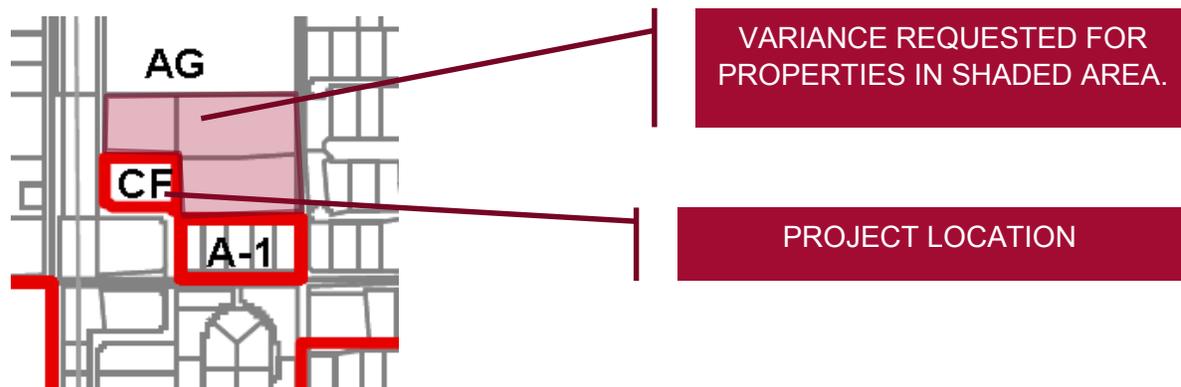
Special circumstances of conditions applying to the land or building: No building construction is proposed as part of this application. The typical condition or circumstance facing an applicant who is requesting a setback variance is that they are constructing a building that needs to encroach into a setback for various reasons. What is special about this unique case is that the encroachment exists already in fact. In order to remove the existing nonconformity the applicant would need to demolish 5' of the existing building, and as stated above, the intent is to occupy a struggling day care center with a more vibrant and active use. It could be argued that there is no material difference to the abutting A-G zoning district in a 70' setback and a 75' setback, but it is our assertion that the conversion of the existing building's use without demolition and reconstruction of a new building, is the unique and limiting factor of the variance.

Granting of variance is necessary for the reasonable use of the land or building and that the variance as requested is the minimum variance that will accomplish this purpose: The variance requested is the minimum necessary to allow the existing building to remain in place. The reasonable use of the land and building absolutely requires the granting of this minimal variance in order to avoid an unreasonable demolition and reconstruction of the existing building. It should be noted that the correct context for this application is that of an existing and active charter school who was looking for an opportunity to provide a second campus due to parent demand, who began searching and found an existing building which works well for the Montessori program.

Granting the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare: As stated previously, the abutting A-G district is currently less than 75’ from the existing building, and no building construction is proposed as part of this application. The typical condition or circumstance facing an applicant who is requesting a setback variance is that they are constructing a building that needs to encroach into a setback for various reasons. The intent of the setback provisions are to guide new development within the city to the greatest extent possible, recognizing that there are times when special circumstances existing which require an examination by an acting body under the provisions of Section 12-309. What is special about this unique case is that the encroachment exists already in fact. In order to remove the existing nonconformity the applicant would need to demolish 5’ of the existing building, and as stated above, the intent is to occupy a struggling day care center with a more vibrant and active use. The conversion of the existing building’s use without demolition and reconstruction of a new building, is the unique and limiting factor of the variance. Our purpose for encroaching on the setback is since we have changed the function of the existing building we are required a greater setback. Our immediate neighbors to the north and east are not adversely affected, and the proposal is compatible with the general purpose and intent of the chapter.

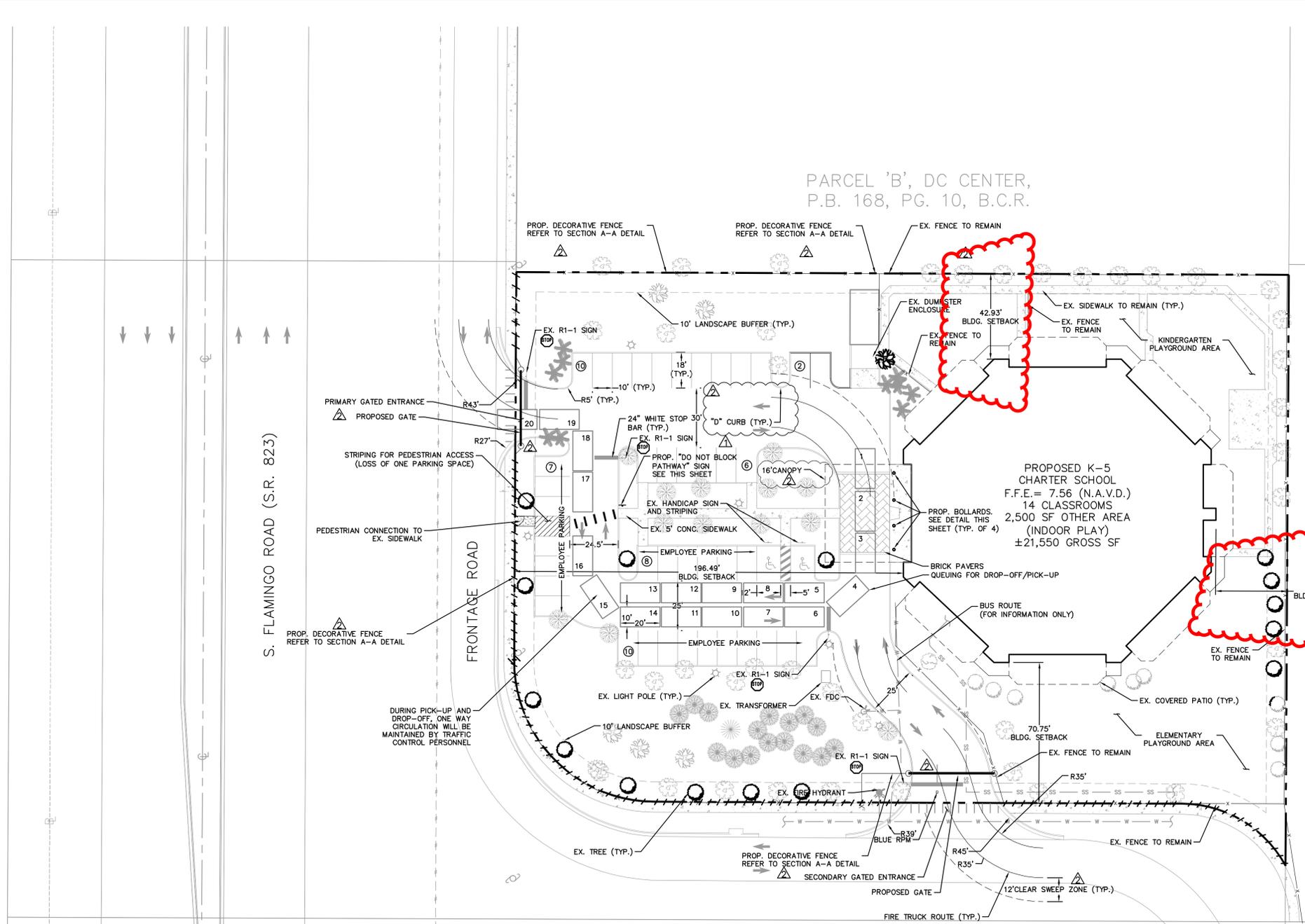
The project setbacks are shown below for reference:

CF ZONING	REQUIRED SETBACK	PROVIDED SETBACK	ADJACENT ZONING
NORTH *Variance Request	25’	72.93	AG
EAST *Variance Request	25’	36.12	AG
<i>SOUTH</i>	75’	70.75	A-1
WEST	25’	196.49	AG



We appreciate your review and consideration of this request. Please feel free to contact us with questions and concerns.

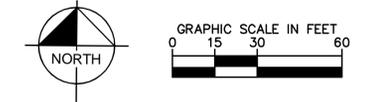
Plotted By: Eppell, Alex. Sheet Set: Atlantic Montessori Charter School. Layout: C2.00 SITE PLAN. October 08, 2015 03:36:12pm. K:\BCD-Civil\140116000 Atlantic Montessori Charter School - Davis\CADD Plans\Sheets\C2.00 SITE PLAN.dwg
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TRACT 43
 FLORIDA FRUIT LANDS
 COMPANY'S MAP NO. 1
 P.B. 2, PG. 17, D.C.R.

TRACT 42
 FLORIDA FRUIT LANDS
 COMPANY'S MAP NO. 1
 P.B. 2, PG. 17, D.C.R.

SAN-CAO PLAT
 P.B. 163, PG. 10, B.C.R.



SITE DATA

LOCATION	NORTHEAST CORNER OF S FLAMINGO ROAD AND SW 26TH ST
PARCEL ID	5040-13-11-0010
JURISDICTION	TOWN OF DAVIE
ADDRESS	2550 S FLAMINGO ROAD, DAVIE
ZONING DISTRICT	CF, COMMUNITY FACILITY
FUTURE LAND USE	CF, COMMUNITY FACILITY
FINISHED FLOOR ELEVATION	7.56' (N.A.V.D.)

LOT COVERAGE	EXISTING	PROPOSED
TOTAL AREA	103,176 SF (2.37 AC) 100%	103,176 SF (2.37 AC) 100%
BUILDING	21,550 SF (0.49 AC) 20.9%	21,550 SF (0.49 AC) 20.9%
IMPERVIOUS	28,463 SF (0.65 AC) 27.6%	27,350 SF (0.63 AC) 26.5%
SIDEWALKS	3,806 SF (0.09 AC) 3.7%	3,858 SF (0.09 AC) 3.7%
PERVIOUS	49,357 SF (1.14 AC) 47.8%	50,418 SF (1.16 AC) 48.9%

SETBACKS	REQUIRED	PROVIDED
FRONT (WEST)	50'	196.49'
SIDE (SOUTH)	25'	70.75'
SIDE (NORTH)	75'	42.93'
REAR (EAST)	75'	36.12'

LANDSCAPE	REQUIRED	PROVIDED
FRONT	10'	10'
SIDE (SOUTH)	10'	10'
SIDE (NORTH)	10'	10'
REAR	10'	10'

OPEN SPACE	REQUIRED	PROVIDED
	20%	52.6%

PARKING	REQUIRED	PROVIDED
TOTAL PARKING	41	43 SPACES*
(2 SPACES/CLASSROOM)	(28 - 14 CLASSROOMS)	
(1 SPACE/ADDTL. 200 SF)	(13 - 2500 SF)	

ACCESSIBLE PARKING 2 SPACES 2 SPACES

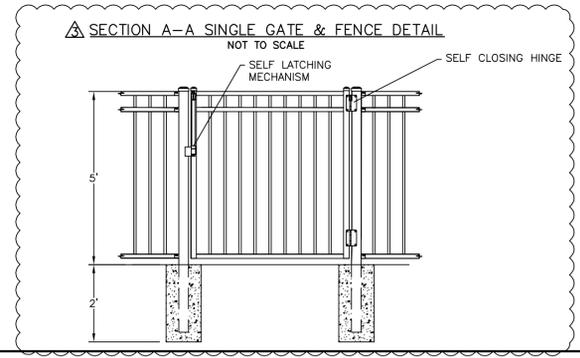
*23 SPACES DESIGNATED FOR EMPLOYEES

NOTES

1. THE SCHOOL DOES NOT INTEND TO USE ANY FORM OF BUSING FOR REGULAR DAILY STUDENT PICK-UP AND DROP-OFF, NOR DOES IT INTEND TO STORE ANY SCHOOL BUSES ON THE PREMISES.
2. THE SECONDARY ENTRANCE/EXIT WILL BE GATED OFF TWICE A DAY, DURING STUDENT DROP-OFF AND PICK-UP. TEMPORARILY BLOCKING THE SECONDARY ENTRANCE/EXIT DIRECTING TRAFFIC TO THE PRIMARY ENTRANCE/EXIT TO ENSURE PROPER DROP-OFF AND PICK UP. WHEN DROP-OFF AND PICK UP IS COMPLETE, THE GATE WILL BE OPENED AND THE SECONDARY ENTRANCE/EXIT WILL BECOME AN ACTIVE ENTRANCE/EXIT.

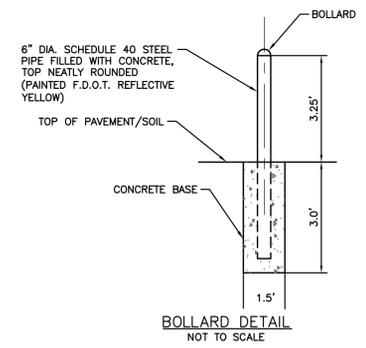
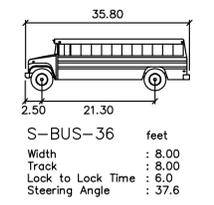


12" X 18"
 "DO NOT BLOCK PATHWAY" SIGN
 NOT TO SCALE



LEGEND

- PROPERTY LINE
- - - NON-VEHICULAR ACCESS LINE
- - - LIMITED ACCESS RIGHT-OF-WAY
- ⊙ EXISTING POWER POLE
- ⊙ EXISTING LIGHT POLE
- ⊙ EXISTING FIRE HYDRANT
- ⊙ EXISTING FDC
- ⊙ EXISTING CONCRETE SIDEWALK
- ⊙ EXISTING SIGN



DRC REVISION #1	DRC REVISION #2	NO.	REVISIONS	DATE	BY

Kimley»Horn

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 1690 S. CONGRESS AVE., SUITE 100, DELRAY BEACH, FL 33445
 PHONE: 561-330-2345 FAX: 561-863-8175
 WWW.KIMLEY-HORN.COM CA 00000696

KHA PROJECT	140116000
LICENSED PROFESSIONAL	MICHAEL F. SCHWARTZ, P.E.
DATE	JUNE 2015
SCALE	AS SHOWN
DESIGNED BY	MM
DRAWN BY	LP
CHECKED BY	MFS
FLORIDA LICENSE NUMBER	56200

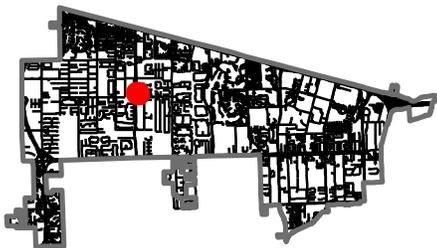
SITE PLAN

ROOMS TO GROW
 PREPARED FOR
ATLANTIC MONTESSORI CHARTER SCHOOL

DAVIE, FLORIDA

SHEET NUMBER
C2.00

Atlantic Montessori Charter School (Multiple Projects)



FUTURE LAND USE MAP

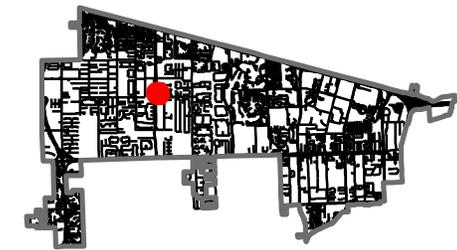
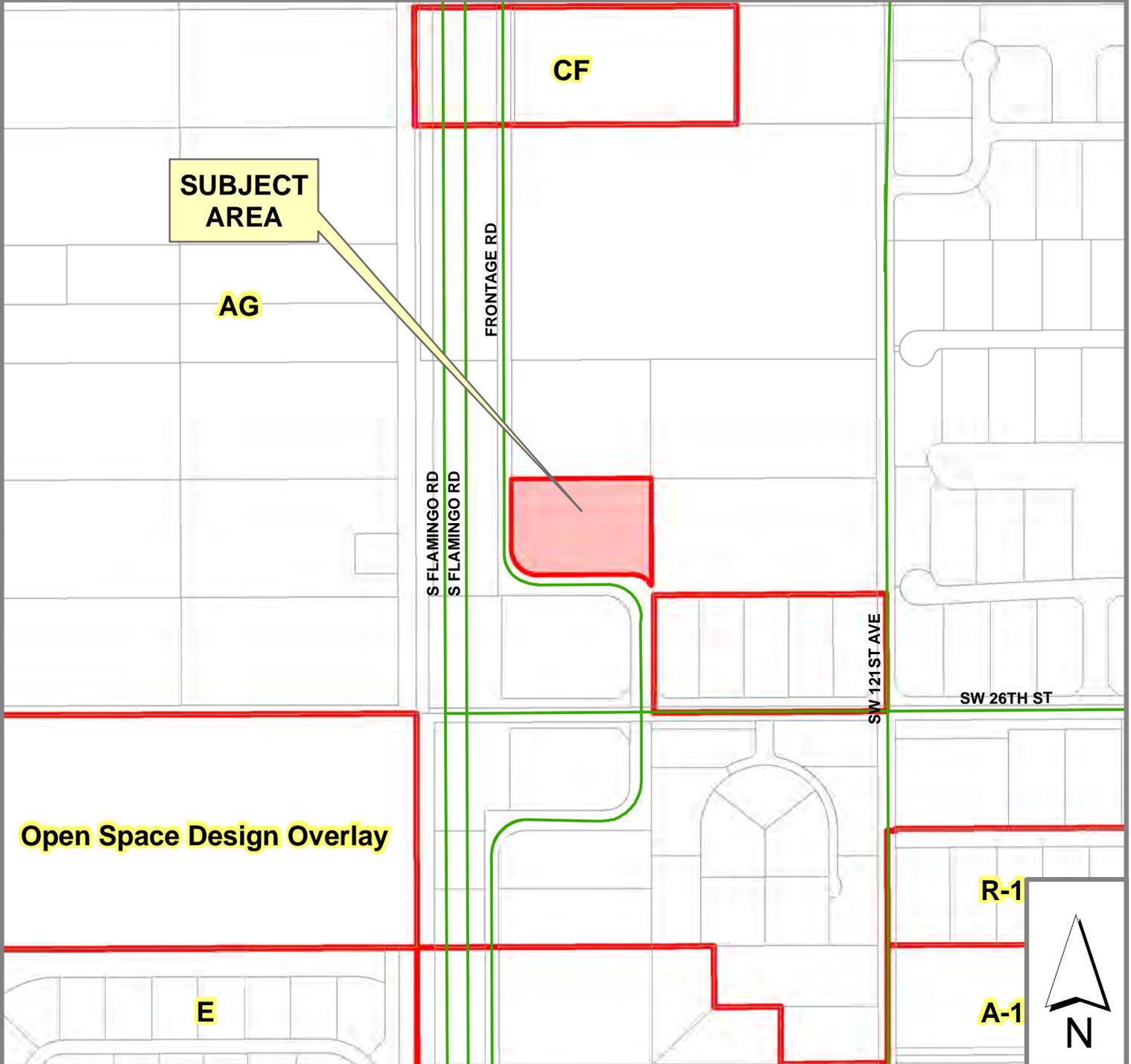
500 250 0 500 Feet



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Atlantic Montessori Charter School (Multiple Projects)



ZONING MAP

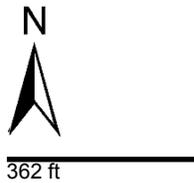
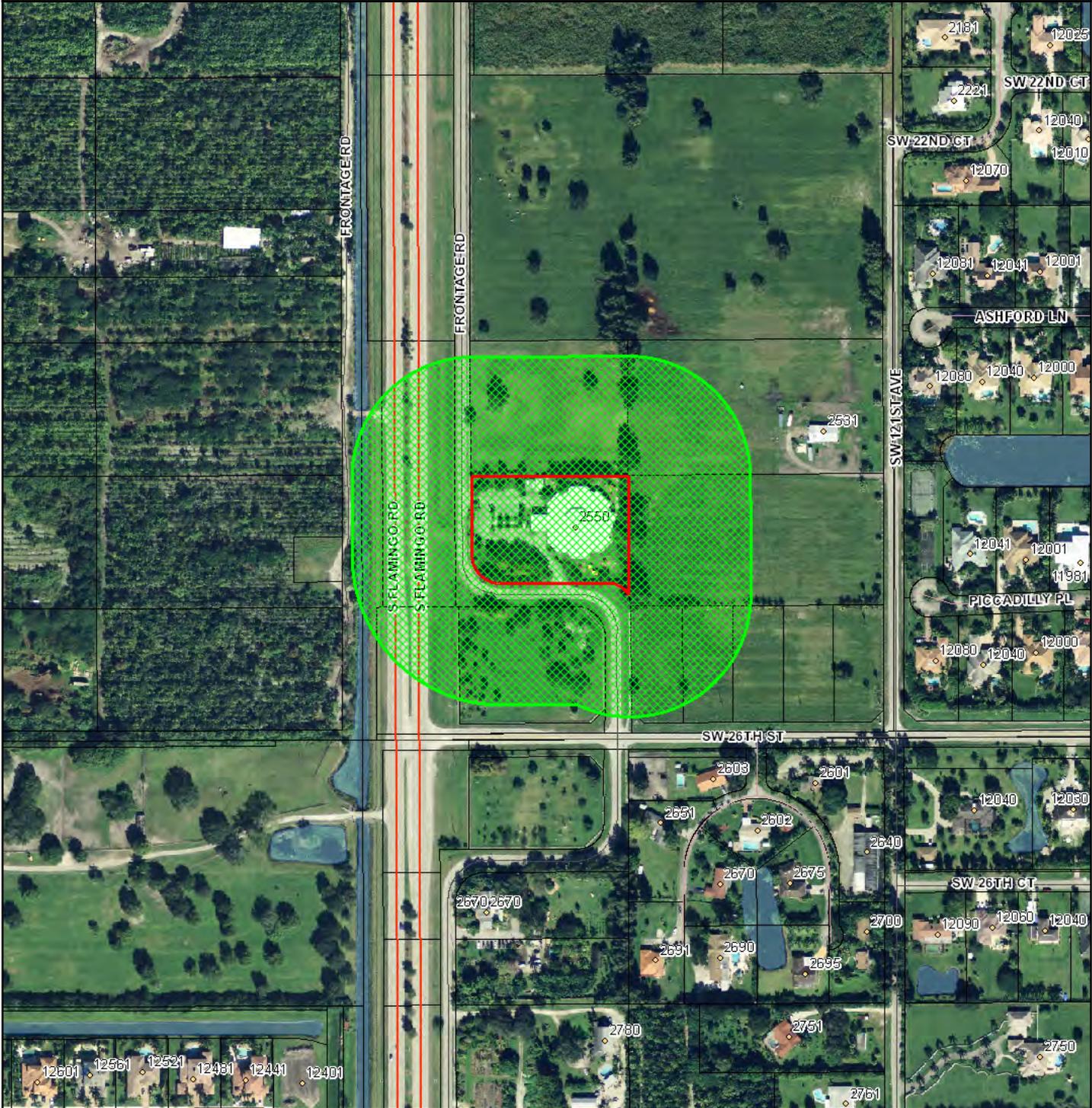
500 250 0 500 Feet



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Atlantic MCS (Variance)



300-FT AREA OF PUBLIC NOTIFICATION FOR A VARIANCE



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TOTAL: Six (6) notices

PROPERTY OWNER LIST						
NAME	NAME LINE1	ADDRESS	CITY	STATE	ZIP	
FLORIDA DEPT OF TRANSPORTATION	OFFICE OF RIGHT OF WAY	3400 W COMMERCIAL BLVD	FORT LAUDERDALE	FL	33309	
MOSES FAMILY LTD PRTR	D/B/A ROOM TO GROW ACADEMY	2799 NW 55 AVE	LAUDERHILL	FL	33313	
TOWN OF DAVIE	% DAVID STALLWORTH, PLANNER II	6591 ORANGE DR	DAVIE	FL	33314	
WEEKLEY BROS LEASING LTD		20701 STIRLING ROAD	PEMBROKE PINES	FL	33332	
CURRENT OCCUPANT (SITE ADDRESS) LIST						
NAME	NAME LINE1	ADDRESS	CITY	STATE	ZIP	
CURRENT OCCUPANT		2550 S. FLAMINGO ROAD	DAVIE	FL	33325	
CURRENT OCCUPANT		2531 SW 121 AVE	DAVIE	FL	33325	