



MEMORANDUM

To: City Commission Members
From: Matt Wood, Growth Management Director
Thru: Bruce Loucks, City Manager
Date: May 26, 2010
Re: Conditional Use for Cooper City Franklin School, petition #CU 9-1-09

Petition Name: Cooper City Franklin School

Location: 2800 North Palm Avenue -- Generally located on the east side of Palm Avenue, approximately 1,200 feet north of Sheridan Street

Owner/Agent: First Baptist Church of Southwest Broward, Inc., Owner
Broward Charter BR Cooper City, LLC, Petitioner
Hope Calhoun, Esq., Ruden, McClosky, et. al., Agent

Acres: 5.96

Land Use Plan: E, Estate

Request: Conditional Use for a proposed K-8 charter school. This application has been submitted concurrently with applications for rezoning from the A-1* (*County), Agricultural District to the Cooper City X-1, Civic District and preliminary/final plat and site plan.

PROPERTY DESCRIPTION: The subject site is approximately 6 acres in size and currently contains a church building and agricultural uses. The land use and zoning of the surrounding areas can be described as follows:

East: Additional single family residential units and agricultural land owned by the First Baptist Church of Southwest Broward which are zoned A-1* (*County), Agricultural and Land Use Plan designated E, Estate.

North: Brian Piccolo Park, zoned A-1* (*County), Agricultural and Land Use Plan designated P & R, Park and Recreation.

West: Across Palm Avenue are single family homes in the Embassy Lakes subdivision, zoned PRD, Planned Residential Development and Land Use Plan designated LM, Low Medium Residential.

South: Vacant/agricultural land zoned A-1* (*County), Agricultural and Land Use Plan designated E, Estate.

BACKGROUND: This petition is part of a package of petitions being processed by the agents for the First Baptist Church of Southwest Broward in order to construct a K-8 charter school to accommodate up to 1,400 students on the property. The site subject to the conditional use request is not the entire area subject to the rezoning as a potential high school on the other three acres is not included in the site plan being proposed at this time. If the other three acres is proposed to be developed at a later time it would require another conditional use petition along with a site plan and a plat amendment.

ANALYSIS OF CONDITIONAL USE REQUEST

NATURE OF USE: The proposed use of this property for a K-8 charter school is consistent with the type of use and structures intended within the X-I Civic district. This school use is specifically listed in Sec.23-10 *Use Regulations Schedule*, of the City's Code of Ordinances, as permitted, subject to Conditional Use approval by the City Commission.

PLAN COMPLIANCE: The subject site is designated "Estate" on the Cooper City Future Land Use Map. This application is consistent with the permitted uses of the Estate Category of the Cooper City Comprehensive Plan and accordingly Policy 1.4.4., which mandates the consistency of land uses with the Residential designations. The proposed use is consistent with Objective 1.12 and the supporting Policies of the Comprehensive Plan to provide sufficient land for schools, proximate to residential areas and parks, and consistent with land area guidelines. As such, the conditional use request may be considered consistent with the City Comprehensive Plan.

CODE COMPLIANCE: The proposed use complies with all applicable regulations and specific standards in the Code. Rezoning, Site Plan and Plat petitions have been submitted concurrently with this petition and all reflect compliance with applicable codes and standards. The accompanying Rezoning application will bring this property into compliance with the City's Code of Ordinances and will support the intended use of the site for a charter school which has long been desired by the City to offset the student capacity demand projections for Monterra and other nearby communities.

LAND USE COMPATIBILITY: The proposed X-1 Civic District can be considered compatible with the surrounding existing and planned land uses. As previously described, there is an adjacent Regional County Park to the north which offers adjacent recreational opportunities there. The surrounding residential communities will benefit as the future school could serve to meet additional capacity demands expected from Monterra and beyond. To the south the proposed adjacent church use is expected to be a compatible community facility use with the intended elementary school. The proposed six acres for the K-8 charter school, and more so the nine acre size of the entire area being rezoned, should offer adequate room to buffer and appropriately separate the community facility use from the surrounding properties.

TRAFFIC IMPACTS: The proposed school must meet all traffic concurrency regulations prior to permit issuance. Through the plat process, Broward County will assess the additional traffic generated by the additional uses and will require additional transit impact fees to be paid prior to the issuance of a building permit. The property is adequately situated with direct access on Palm Avenue, a minor arterial roadway in the City.

A traffic impact study was prepared by Traf Tech Engineering, Inc., and was reviewed on behalf of the City by Kimley-Horn and Associates, Inc. As a result of this analysis, the petitioner has committed to the following:

1. Appropriate pedestrian facilities (including push buttons) will be ensured to be in place and operational at nearby signalized intersections prior to school opening.
2. A traffic signal warrant analysis will be conducted at and near the school entrance in order to determine if a signal is warranted near the school site.
3. A pedestrian crossing signal warrant analysis should be conducted in conjunction with the traffic signal warrant analysis to determine if a mid-block pedestrian crossing is necessary due to the distance between the school property and Sheridan Street to the south and particularly the long distance to Stirling Road to the north.
4. The cross-access driveways located on the east and south sides of the school will be coned off during the school's morning and afternoon peak periods.
5. Traffic control persons will be placed at particularly specified locations on site in order to enforce the correct operation of the circulation aisle and parking lots during the school's morning and afternoon peak periods. These locations include, but would not be limited to, the first intersection upon entering the site, the subsequent clockwise turn location at the entrance to the northern parking entrance to the west of the bus bay area, and in the area of the parent drop-off lanes.
6. During the school's morning and afternoon peak periods, an off-duty police officer will control the school access driveway off of Palm Avenue.
7. Staggered dismissal times of elementary grades from middle school grades, not less than 20 minutes will be implemented for a more organized process and to eliminate congestion. Although staff recommends the separation be 30 minutes and consideration being given to also staggering start time between elementary grades and middle school grades.
8. Facility deliveries will be restricted during student arrival and dismissal times.

Accordingly, the request should not have any adverse affect on the safety and convenience of vehicular and pedestrian circulation in the area.

PARKING ADEQUACY: The proposed school must be provided with adequate parking typical for the school size and consistent with Code requirements. Parking standards for school sites have been developed proportionate to the school size and number of classrooms and such standards have been developed over time to adequately meet anticipated parking demands. The accompanying site plan reflects consistency with these applicable requirements.

HAZARD PROTECTION: The proposed use will reasonably protect persons and property from flooding, erosion, fire, noise, glare or similar hazards. Protection against all potential

hazards is provided through the site plan and building permit processes, including paving and grading, engineering, building construction and inspections.

RECOMMENDATION: Staff recommends **APPROVAL** of the Conditional Use request for the proposed charter school use subject to the following:

1. Approval of the rezoning application being processed concurrently with this petition.
2. Understanding that a future high school or any additional school facilities on the eastern three acres will require approval of subsequent Site Plan and Conditional Use applications including an additional traffic study for the remainder portion of the subject property.
3. Inclusion of the petitioner's original access and traffic control and pedestrian safety commitments as listed in this staff report. Staff recommends the separation between elementary school and middle school dismissal times be 30 minutes and similarly staggering start time between elementary grades and middle school grades.

This recommendation is based on a finding that the petition has met all the review criteria as listed in this staff report.

PLANNING AND ZONING BOARD RECOMMENDATION: At the meeting on May 17, 2010, the Planning and Zoning Board unanimously recommended **APPROVAL** of the Conditional Use request (CU 9-1-09) subject to all the requirements and DRC comments.