

ATTACHMENT II

Initial Staff Report

**CITY OF HOLLYWOOD, FLORIDA
DEPARTMENT OF DEVELOPMENT SERVICES
PLANNING AND URBAN DESIGN DIVISION**

DATE: June 13, 2023

FILE: 22-S-79

TO: Planning and Development Board

VIA: Anand Balram, Planning Manager

FROM: Tasheema Lewis, Associate Planner

SUBJECT: Special Exception to establish a K-12 Educational School Facility (Bet Midrash).

REQUEST:

Special Exception to establish a K-12 Educational School Facility (Bet Midrash) at 1720 Harrison Street (Home Tower).

RECOMMENDATION:

Special Exception: Consider approval with the following conditions:

1. School enrollment shall not exceed a maximum of 700 students.
2. Provide an updated traffic study that complies with the approved methodology for review and approval by the City.
3. Provide a Site Plan and Traffic Operation Plan with pick-up/drop-off times and locations for review and approval by the City. The City of Hollywood maintains the right, in perpetuity, to have the property owner/developer modify the Traffic Operations Plan as deemed necessary on an ongoing basis to address any unforeseen operational or safety problems created by site generated traffic after the school has opened.
4. For use of the private alley located south of the proposed school for pick-up/drop-off as shown in the plans, provide an access agreement.
5. Deliveries shall be coordinated as to not interfere with student arrival or dismissal shifts.
6. The Public Safety Director or his/her designee may request that the school have police detail for arrival and dismissal shifts as deemed necessary.
7. School buses shall not be stored in the public right-of-way, nor in any manner that violates City Code.
8. Recommend that the applicant enter into a formal signed agreement that outlines a schedule that will work for the operation of two adjacent schools. The agreement should

clearly define scheduling for student drop-off and pick-up for both facilities so that the times associated with these activities are offset to minimize congestion and conflicts on-site and along the surrounding roadway network. A Traffic Operations Plan that is mutually acceptable to both school administrations must be prepared and strictly adhered to. Staggered pick-up and drop-off times and include minimum of 30 minutes between each pick-up and drop-off session between the two schools will be required.

9. Recommend that the school provide bus transportation to the school for all students and staff. Proper vertical clearance needs to be provided for busses at the pick-up and drop-off overhang. Bus pick-up and drop-off location must be identified along with staff and bus parking locations.
10. Due to the proposed access off of FDOT roadway (Harrison Street), an FDOT permit is required.

REQUEST

This request is for a Special Exception to establish a K-12 Educational School Facility. A Special Exception is defined as *a use not generally appropriate in a district but would be appropriate if it is consistent with the review criteria listed for Special Exceptions*. School facilities are only permitted by Special Exception. The Applicant proposes to establish a school within a vacant mix-use building known as Home Tower, utilizing four (4) floors to accommodate 700 students over a 3-year period with appropriate staffing required by state law. There will be no changes to the existing footprint at 1720 Harrison Street.

The applicant is not proposing any parking for the school and the traffic study circulation and traffic impact analyses proved to be significantly problematic. The circulation assessment does not substantiate the existing traffic circulation or demonstrate how both schools (Hollywood Academy of Arts & Science (HAAS)), which is adjacently located to the proposed school, will operate together in regard to queuing, traffic volumes, and impacts to surrounding roadways and residential areas. It is likely that the proposed school, adjacent to an existing school will create additional traffic and parking issues within the area.

The pick-up/drop-off location is proposed from Harrison Street. Staff is of the opinion that the proposal is dangerous as the route requires students to cross in front of vehicles in order to access the building. The alternate pick-up/drop-off area proposes use of a private alley in which a required “easement for use right” was not provided. In addition, the alley is a one-way eastbound exit only for thru traffic.

Parking also presents a significant challenge for the site. There are no parking facilities for this school. This violates Article 7.1.A.1. of the Zoning and Land Use Development Regulations. The applicant is proposing the use of public parking garages. However, according to the Parking Director, no other parking spaces are available for private use. Additionally, grades 10 through 12 students are more likely to drive and will need to park their vehicles near the site. Increasing pedestrian mobility across major roadways, such as Federal Highway/US-1 may create life and safety concerns for the students.

Although the traffic and parking issues are inconsistent with the Special Exception criteria in Article 5 of the ZLDR, the Religious Land Use and Institutionalized Persons Act, 2000 (RLUIPA) prohibits zoning and

landmarking laws that substantially burden the religious exercise of churches or other religious assemblies or institutions absent the least restrictive means of furthering a compelling governmental interest. The freedom to exercise one's religious practice is foundational to our nation and is among its most basic civil rights.

Circulation Assessment Provided by The Applicant

The Hollywood Private School project is proposed to be located at 1720 Harrison Street in an existing building. The Application Package submitted to the City included a section by Dynamic Traffic referred to as "Circulation Assessment".

This project will require a Traffic Impact Analysis. The methodology requirements have been provided to the City and will need to be acknowledged by the Applicant and followed for the Traffic Impact Analysis prior to approval of the project.

The "Circulation Assessment" does not substantiate the existing traffic circulation in the area or the actual operations of the HAAS school for drop-off and pick-up. It does not demonstrate how the two (2) schools will operate together with regard to queuing, traffic volumes and impacts to the surrounding roadways. Staff comments are available upon request.

SITE INFORMATION

Owner/Applicant:	Bet Midrash Ohr Ha-Chayim Ha-Kadosh Inc.
Address/Location:	1720 Harrison Street
Net Size of Property:	36,966 sq. ft. (0.85 Acres)
Land Use:	Regional Activity Center (RAC)
Zoning:	Young Circle District (YC)
Existing Use of Land:	Mixed-Use Development

ADJACENT LAND USE

North:	Regional Activity Center (RAC)
South:	Regional Activity Center (RAC)
East:	Medium High Residential (MHRES)
West:	Regional Activity Center (RAC)

ADJACENT ZONING

North:	Young Circle (YC)
South:	Planned Development (PD)
East:	Government Use (GU)
West:	Planned Development (PD)

CONSISTENCY WITH THE COMPREHENSIVE PLAN

Located within the Regional Activity Center the subject site is surrounded by mixed uses. The goal of the Land Use Element is to promote a distribution of land uses that will enhance and improve the residential, business, resort, and natural communities while allowing landowners to maximize the use of their property. The intent of the Regional Activity Center land use designation is to encourage redevelopment or development of areas that are regionally significant. The purpose of this designation is to facilitate multi-use and mixed-use development, encourage mass transit, reduce the need for automobile travel, provide incentives for quality development, and give definition to the urban form. While, the proposed school does provide a community benefit, it may negatively impact traffic conditions within the neighborhood. The planned school does not encourage redevelopment of the area and does not reduce the need for automobile travel within the Regional Activity Center. The project is not adequately consistent with the Comprehensive Plan based on the following Objectives:

Objective 4: Maintain and enhance neighborhoods, business, utilities, industrial and tourist areas that are not blighted.

If the Special Exception is granted, the school will likely increase parking and traffic issues. However, the increased traffic could enhance the economic interests of nearby businesses within the community.

CONSISTENCY WITH THE CITY-WIDE MASTER PLAN:

The subject property is located in Sub-Area 2, which is also known as East Hollywood and Downtown. It is geographically defined by Intracoastal Waterway to the east, Sheridan Street to the north, Pembroke Road to the south and Dixie Highway to the west. This area includes the residential neighborhoods of Hollywood Lakes, Royal Poinciana, and Parkside.

The proposed Special Exception is not adequately inconsistent with the City-Wide Master Plan, based upon the following Guiding Principles and Policies:

Guiding Principle: *Promote the highest and best use of land in each sector of the City without compromising the goals of the surrounding community.*

Guiding Principle: *Attract and retain businesses that will increase economic opportunities for the City while enhancing the quality of life for residents.*

Policy CW.2.7: *Restrict access to side streets east and west of US 1 where traffic studies indicate a positive effect would result.*

A second school in the Young Circle (YC) District will require revisions to the traffic circulation outlined in the City-wide master plan within Sub-Area 2. The goal of the City-Wide Master Plan is to promote and attract uses that will enhance and improve locations.

APPLICABLE CRITERIA

Analysis of Criteria and Findings for Special Exception as stated in the City of Hollywood's Zoning and Land Development Regulations, Article 5.

CRITERIA 1: The proposed use must be consistent with the principles of the City's Comprehensive Plan.

ANALYSIS: The intent of the Comprehensive Plan's Land Use element is to *promote distribution of land uses that will enhance and improve the residential, business, resort, and natural communities while allowing landowners to maximize the use of their property*. The proposed school falls within the character of the mixed uses of the YC Zoning District. This mix of commercial, educational, and residential uses within the area is consistent with the principles of the City's Comprehensive Plan.

FINDING: Consistent.

CRITERIA 2: The proposed use must be compatible with the existing land use pattern and designated future uses and with the existing natural environment and other real properties within the vicinity.

ANALYSIS: The proposed use is consistent with the existing land use pattern. Currently the surrounding area includes a mix of uses, which includes an existing school, that aims to support the surrounding community. The requested Special Exception is compatible with the surrounding land use pattern, which invites a mixture of uses.

FINDING: Consistent.

CRITERIA 3: That there will be provisions for safe traffic movement, both vehicular and pedestrian, both internal to the use and in the area which will serve the use.

ANALYSIS: The traffic study and site plan does not provide compliant traffic circulation methodology that would support safe vehicular and pedestrian traffic movement. Safety concerns, queuing, and traffic volume impact on surrounding roadways are significant.

FINDING: Inconsistent.

CRITERIA 4: That there are setbacks, buffering, and general amenities in order to control any adverse effects of noise, light, dust and other potential nuisances.

ANALYSIS: The school is proposed within a pre-constructed high-rise building locally known as 'Home Tower'. Noise, light, dust and other potential nuisances, other than traffic related, will be contained to the building. Therefore, the criterion is not impacted.

FINDING: Consistent.

CRITERIA 5: The proposed use, singularly or in combination with other Special Exceptions, must not be detrimental to the health, safety, or appearance of the neighborhood or other adjacent uses by reasons of any one or more of the following: the number, area, location, height, orientation, intensity or relation to the neighborhood or other adjacent uses.

ANALYSIS: The existing HAAS school and the proposed school combined will compound the safety concerns as it relates to traffic and parking concerns. The traffic concerns have significant effects on the neighboring residential properties through obstruction of driveways and ease of automotive mobility.

FINDING: Inconsistent.

CRITERIA 6: The subject parcel must be adequate in shape and size to accommodate the proposed use.

ANALYSIS: The approximate 37,000 square feet of space is deemed adequate to accommodate the proposed school.

FINDING: Consistent.

CRITERIA 7: The proposed use will be consistent with the definition of a Special Exception and will meet the standards and criteria of the zoning classification in which such use is proposed to be located, and all other requirements for such particular use set forth elsewhere in the zoning code, or otherwise adopted by the City Commission.

ANALYSIS: A Special Exception is defined as a use not generally appropriate within a zoning district but would be appropriate if it is consistent with the review criteria listed for Special Exceptions. Although schools would be permitted by Special Exception within the YC Zoning District, the proposed school does not comply with the parking requirements of the zoning code and demonstrates inconsistencies with some of the criteria of the Special Exception.

FINDING: Inconsistent.

ATTACHMENTS

ATTACHMENT A: Application Package
ATTACHMENT B: Land Use and Zoning Map
ATTACHMENT C: Public Participation Outreach