

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

DATE: September 21, 2021 **FILE:** 21-S-01

TO: Planning and Development Board

VIA: Leslie A. Del Monte, Planning Manager

FROM: Deandrea Moise, Planning Administrator

SUBJECT: Special Exception to establish a daycare and school in an existing commercial building located at 2216 Hollywood Boulevard and 2207 Van Buren Street (Montessori School).

REQUEST:

Special Exception to establish a daycare and school in an existing commercial building (Montessori School).

RECOMMENDATION:

Special Exception: Approval with the following conditions:

1. Enrollment for daycare and school shall not exceed a maximum of 168 children total.
2. Pick-up/drop-off times and areas shall function as illustrated on Site Plan and Traffic Operational Report. Any modification to the drop-off/pick-up plan and operating shifts shall be approved in writing by the City's Traffic Engineer or his/her designee. 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.
3. At time of building permit, the Applicant shall work with Engineering to restrict the number of student drivers.
4. Applicant shall continue to work with Engineering regarding crosswalk pavement markings between the school parcel and the parking lot parcel.
5. Deliveries shall be coordinated as to not interfere with student arrival or dismissal shifts.
6. The Applicant on behalf of itself, successors, and/or designee shall annually submit, prior to October 1st, a copy of the Benchmark Day Enrollment Report or equivalent and/or subsequent document;

7. The Applicant on behalf of itself, its successors, and/or designee, shall submit to the Planning Division or subsequent Division/Department an annual Compliance Report no later than December 1st, showing compliance with all conditions of this approval. The Applicant acknowledges, should any violations of the conditions be determined, the City will pursue any and all remedies, including, but not limited to, Code Enforcement (the City will seek fines in the amount of \$1,000 per day for first violations and up to \$5,000 per day for repeat violations) and/or an injunction to prohibit the continuing violation(s), subject to Applicant's rights to notice and right to cure under the law;
8. Parking for special events (for the purposes of this section, special events shall mean any time parents or other visitors and invitees are attending the school for other than pick-up and drop-off purposes) shall be provided and coordinated in the following manner:
 - a. Special events for the school shall be independent of each other and only one event can take place at any given time;
 - b. Special events during school hours shall be limited to one grade level. Multigrade events shall be limited to non-school hours. A Special Event Permit pursuant to Chapter 102 of the Hollywood Code of Ordinances shall be required for all events. The school shall comply with all requirements and/or conditions set forth in the Special Event Permit, which includes but not limited to, off-site parking, police details, etc.;
9. The Public Safety Director or his/her designee shall have the ability to mandate police detail for arrival and dismissal shifts as deemed necessary;
10. School buses shall not be stored on the premises nor in violation of City Code;
11. Unity of Title, in a form acceptable to the City Attorney, shall be submitted prior to the issuance of a Building Permit and recorded in the Broward County Public Records by the City of Hollywood prior to the issuance of a Certificate of Occupancy (C/O) or Certificate of Completion (C/C).

REQUEST

This request is for a Special Exception to establish a daycare and school located at 2216 Hollywood Boulevard and 2207 Van Buren Street. 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*. Daycare and school facilities are only permitted by Special Exception. The Applicant proposes to establish a daycare and school at a vacant commercial building to accommodating 168 children and 16 Staff members. There will be no changes to the existing footprint at 2216 Hollywood Boulevard, however, the Applicant is proposing to significantly improve the existing façade of the building along Hollywood Boulevard and the rear of the site will be improved from a non-conforming parking lot into a thoughtfully landscaped play area. Furthermore, there will be improvements made to the parking and pick-up/drop-off area located at 2207 Van Buren Street. The daycare and school facility will include infants up to high school aged children.

The pick-up/drop-off area and the facility is bisected by an alley. The Applicant worked closely with City Staff to provide information and develop plans to ensure safe movement of all students, staff and parents between the alley and to ensure safe traffic circulation and adequate parking during drop-off and pick-up times. As such Staff recommends that, (1) enrollment shall not exceed a maximum of 168 children, (2) pick-up/drop-off times and areas shall function as illustrated on Site Plan and Traffic Operational Report. Any modification to the drop-off/pick-up plan and operating shifts shall be approved in writing by the City's Traffic Engineer or his/her designee, (3) 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, and (4) other conditions as it relates to special event and delivery coordination, police detail, and reporting.

Additionally, a covered waiting area is proposed in the pick-up/drop-off area to protect the children and staff from the elements as they wait before crossing the alley. For infants and toddlers, parents will be required to park in order to escort their children to the facility. As there are high school aged students, Staff recommends that at time of building permit, the Applicant shall work with Engineering to restrict the number of student drivers. The plans currently designates seven parking spaces for high school aged students.

SITE INFORMATION

Owner/Applicant:	Hanoy Holdings Twelve, Inc., Hanoy Holdings Five, Inc., 2400 NE 10th Court, LLC.
Address/Location:	2216 Hollywood Boulevard and 2207 Van Buren Street
Net Size of Property:	44,900 sq. ft. (1.03 Acres)
Land Use:	Regional Activity Center (RAC)
Zoning:	Retail Core (RC-1)/ Transitional Core (TC-1)
Existing Use of Land:	Commercial Vacant

ADJACENT LAND USE

North:	Regional Activity Center (RAC)
South:	Regional Activity Center (RAC)
East:	Regional Activity Center (RAC))
West:	Regional Activity Center (RAC)

ADJACENT ZONING

North:	Retail Core (RC-1)
South:	Transitional Core (TC-1)/ Dixie Highway Medium Intensity Multifamily District (DH-2)
East:	Retail Core (RC-1)/ Transitional Core (TC-1)
West:	Retail Core (RC-1)/ Transitional Core (TC-1)

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 land owners 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 major purposes of this designation are to facilitate multi-use and mixed-use development, encourage mass transit, reduce the need to automobile travel, provide incentives for quality development, and give definition to the urban form. Development of this site enhances the neighborhood, encourages redevelopment of the area, and provides a model for new development within the Regional Activity Center. The project is 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 daycare and school will increase both the educational choices and access to and within the Community. The proposed request is consistent with the Comprehensive Plan.

CONSISTENCY WITH THE CITY-WIDE MASTER PLAN:

The subject property is located in Sub-Area 3, which is also known as East Central Hollywood. It is geographically defined by Dixie Highway to the east, Stirling Road to the north, Pembroke Road to the south and I-95 to the west. This area includes the residential neighborhoods of Liberia/Oakwood Hills, North Central and South Central.

The proposed Special Exception is consistent 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.44: *Foster economic development through creative land use, zoning and development regulations, City services and City policies.*

The proposed daycare and school allows further use of the property while also helping to meet a need in the immediate Community. The goal of the City Wide Master Plan is to promote and attract uses that will enhance and improve locations; this includes educational uses.

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 land owners to maximize the use of their property.* The proposed daycare and school preserves the character of the mixed use areas by locating within the vacant commercial building Hollywood

Boulevard. This Special Exception would serve as a neighborhood child center and school that is walking distance from residential buildings. This mix of commercial, educational, and residential uses along the corridor provides convenience and support to the Community and is therefore consistent with the principals 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 that work to support the surrounding Community. The daycare will accommodate 168 children. The requested Special Exception is compatible with the surrounding land use pattern, which is transitional in nature.

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: As stated previously, the Applicant has provided plans in order to ensure safe traffic movement and adequate parking during drop-off and pick-up times. The proposed plan dedicates spaces to ensure the required parking is met. In addition, sidewalks and pedestrian connections to the main entrance will be provided ensuring safe pedestrian movement. As such, Staff has conditioned that **enrollment shall not exceed a maximum of 168 children.**

FINDING: Consistent, with the aforementioned conditions.

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: As previously stated the proposed use will be occupying an existing building, as such all existing setbacks will be maintained. Furthermore, Staff recommends the following conditions to reduce any potential adverse effects: **(1) pick-up/drop-off times and areas shall function as illustrated on Site Plan and Traffic Operational Report. Any modification to the drop-off/pick-up plan and operating shifts shall be approved in writing by the City's Traffic Engineer or his/her designee, (2) 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, (3) at time of building permit, the Applicant shall work with Engineering to restrict the number of student drivers, and (4) other conditions as it relates to special event and delivery coordination, police detail, and reporting.**

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 proposed use would occupy the currently vacant space. As the building is existing, the height, orientation, and location will not be detrimental to the health, safety, and welfare of the community. In addition, the proposed improvements both interior and exterior will add value to the property and neighborhood.

FINDING: Consistent.

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

ANALYSIS: The proposed use will operate at a capacity of 168 children and 16 Staff members. The traffic safety improvements will ensure functionality and minimize the impact of the daycare on the neighborhood.

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: An educational facility is a use which is allowed only by Special Exception. 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. As the RC-1 Zoning District allows for these facilities to be approved by Special Exception, and institutional uses are allowed within the General Business Land Use the use is appropriate at this location. The proposed use and Site Plan meet all other Zoning requirements regarding parking, landscaping, and adequate buffering. Therefore the proposed use is consistent with the criteria.

FINDING: Consistent.

The Technical Advisory Committee (TAC) found the proposed project compliant with all regulations as set forth in Article 6 of the Hollywood Zoning and Land Development Regulations on July 1, 2021.

The following standards shall be utilized by the Technical Advisory Committee and the Planning and Development Board in the review, evaluation, and approval of all required plans and exhibits:

- A. *Natural Environment.* All proposed development shall be designed in such a manner as to preserve, perpetuate and improve the existing natural character of the site. Existing trees and

other landscape features shall, to the maximum extent possible, be preserved in their natural state; and additional landscape features shall be provided to enhance architectural features, to relate structural design to the site, and to conceal unattractive uses. In all instances the city's tree protection, landscaping and all other applicable regulations shall be fully complied with as minimum standards.

- B. *Open space.* Adequate landscaped open space shall be provided which meets the particular needs and demands of the proposed development and all specific zoning district requirements. Legal methods assuring the continued preservation and maintenance of required open space shall be submitted to and approved by the City Attorney. The type and distribution of all open space shall be determined by the character, intensity and anticipated residential or user composition of the proposed development.

1. Passive open spaces (those areas not planned for intensive activity) shall be arranged as to enhance internal spatial relationships between proposed structures, to provide buffers between the project and adjacent less intensive uses, to facilitate pedestrian movements within the development, and to improve the overall visual quality of the site.

2. Active open spaces (those areas containing activities such as playgrounds, tennis courts, swimming pools and other active recreational facilities) shall be located so as to permit easy access to all residents or users within a development. Private recreational facilities and activities within specific projects shall, wherever possible, complement, rather than duplicate, nearby public recreational activities.

- C. *Circulation and parking.* All circulation systems and parking facilities within a proposed development shall be designed and located in such a manner as to comply with the following:

1. A clearly defined vehicular circulation system shall be provided which allows free movement within the proposed development while discouraging excessive speeds. Said systems shall be separated insofar as practicable from pedestrian circulation systems. Pavement widths and access points to peripheral streets shall be provided which adequately serve the proposed development and which are compatible and functional with circulation systems outside the development.

2. Whenever possible in proposed residential developments, living units should be located on residential streets or courts which are designed to discourage nonlocal through traffic.

3. Off-street parking areas shall be provided which adequately accommodate maximum vehicle storage demands for the proposed project and are located and designed in such a manner so as to conveniently serve the uses to which they are accessory and not create incompatible visual relationships.

4. Safe and efficient access to all areas of the proposed development shall be provided for emergency and service vehicles, as required by the Florida Building Code in effect in Broward County, Florida, as revised from time to time.

5. Sidewalks shall be provided as required by the city regulations.

6. Handicapped Accessibility shall be provided as required by all applicable regulations.

- D. *Community services and utilities.* All proposed developments shall be designed and located in such a manner as to insure the adequate provision, use and compatibility of necessary community services and utilities.
1. An adequate sanitary sewer collection system including all necessary extensions and connections, shall be provided in accordance with city standards for location and design. Where necessitated by the size of the development and/or by the unavailability of city treatment facilities, sanitary sewage treatment and disposal systems must be provided in accordance with city and state standards and regulations.
 2. An efficient solid waste collection system, including the provisions of an adequate number of properly screened local receptacles in locations which afford maximum use and collection convenience, shall be provided in accordance with all applicable city standards.
 3. A well designed internal system for fire protection, including the provisions of an adequate number of properly located fire hydrants and an efficient access arrangement for emergency fire vehicles, shall be provided to insure the safety of all persons within the project.
- E. *Building and other structures.* All buildings and structures proposed to be located within a development shall be oriented and designed in such a manner as to enhance, rather than detract from, the overall quality of the site and its immediate environment. The following guidelines shall be followed in the review and evaluation of all buildings and structures:
1. Proposed buildings and structures shall be related harmoniously to the terrain, other buildings and the surrounding neighborhood, and shall not create through their location, style, color or texture incompatible physical or visual relationships.
 2. All buildings and structures shall be designed and oriented in a manner insuring maximum privacy of residential uses and related activities both on the site being developed and property adjacent thereto.
 3. All permanent outdoor identification features which are intended to call attention to proposed projects and/or structures shall be designed and located in such a manner as to be an integral part of the total project and/or structural design and shall not exceed a size and scale necessary for the recognition from vehicles moving along adjacent streets at prescribed legal speeds.
- F. *Level of service standards.* For the purpose of the issuance of development orders and permits, the city has adopted level of service standards for public facilities and services which include roads, sanitary sewer, solid waste, drainage, potable water, and parks and recreation. All applicants are required to prove concurrency pursuant to the City's Comprehensive Plan and F.S. Chapter 163, as amended from time to time.
- G. *Other requirements.* Requirements and recommendations as provided in the city tree and landscape regulations shall be observed as will the requirements of all applicable standards and regulations.

ATTACHMENTS

ATTACHMENT A: Application Package

ATTACHMENT B: Land Use and Zoning Map