

STAFF REPORT  
Maimonides Day School Campus Two  
003-MP-06

A request to amend the note on the plat has been filed with the Planning and Development Management Division. This plat was approved by the Board on August 15, 2006 for 85,000 square feet of school use. The property is located on 6.8 acres on the east side of Southwest 40 Avenue, between Southwest 51 Street and Southwest 54 Street, in the City of Dania Beach. The plat was recorded on November 17, 2006 (Plat Book 176, Page 116).

The current note on the face of the plat reads as follows:

This plat is restricted to **85,000 square feet of school use** (10,810 square feet of Pre-K; 17,546 square feet of elementary school; and 56,644 square feet of secondary school).

The applicant is requesting to amend the note on the face of the plat to add 5,000 square feet of private school use. The proposed note language reads as follows:

This plat is restricted to **90,000 square feet of private school use**.

This request was evaluated by the Reviewing Agencies.

### **Land Use**

The attached memorandum from the Broward County Planning Council indicates that the effective Land Use Plan designates the area covered by this plat for the uses permitted in the "Medium (16) Residential" land use. Planning Council staff state the existing and proposed private school use complies with the permitted uses of the effective land use plan.

### **Concurrency Review**

This plat with the amended note satisfies the solid waste disposal concurrency requirement of Section 5-182(h) of the Land Development Code. This request represents an increase of 4 PM peak hour trips generated by development within the plat. The plat is located within the Southeast Transportation Concurrency Management Area and meets the regional transportation concurrency standards specified in Section 5-182(a)(5)a) of the Broward County Land Development Code.

### **Impact Fees**

Any development which has not been constructed but included in the current plat note shall be subject to transportation concurrency fees. The fees will be assessed and paid in accordance with the fee schedule specified in the Land Development Code during the review of construction plans submitted for County environmental review approval. If a demolition permit of existing structures is issued more than eighteen (18) months prior to the date of development and environmental review of constructions plan, transportation concurrency fees will be assessed and paid in accordance with the current fee schedule which may be amended every October 1.

### **Reviewing Agency Comments**

The attached letter dated May 16, 2019 from the City of Dania Beach indicates no objection to the requested amendment.

This application has been reviewed by Highway Construction and Engineering Division staff who have no objections to this request.

The Environmental Planning and Community Resilience Division has reviewed this request and at this time, this site is not included in the Protected Natural Lands Inventory and is not adjacent to a site in the inventory. The Environmental Review Report, coordinated by the Planning and Development Management Division, is attached.

The Aviation Department has advised that this property is within 20,000-feet of Fort Lauderdale/Hollywood International Airport. Any proposed construction, use of cranes or other high-lift equipment must be reviewed to determine if Federal Aviation Regulation Part 77, Florida Statutes, Chapter 333 or the Broward County Airport Zoning Ordinance apply. Based on the location of the proposed project, the FAA may need to review to determine whether the project is a potential hazard to aviation. To initiate the Federal Aviation Review, access the FAA Web Page at: <http://oeaaa.faa.gov/oeaaa/external/portal.jsp>. For additional information, contact the Broward County Aviation Department at 954-359-6170.

Broward County's consulting archaeologist has reviewed this request and, based on available information including archival documents, maps, the Broward County Land Use Plan and the Florida Master Site File (FMSF), has determined that the proposed project will not have an adverse effect on any known historical or archaeological resources or areas of archeological or paleontological sensitivity. The consulting archaeologist also notes that this property is located in the City of Dania Beach and outside of the jurisdiction of Broward County Historic Preservation Ordinance 2014-32. If any archaeological materials are discovered during the course of development, the property owner must notify the Director of the Community Development Division, City of Dania Beach, at 954-924-6805, and the project may proceed in accordance with Ordinance 2014-32, Section 5-536.5(g).

In the event any unmarked human burial remains are discovered, pursuant to Florida Statute Chapter 872.05, all activity that may disturb the unmarked burial shall cease immediately, and the district medical examiner shall be notified. Such activity shall not resume unless specifically authorized by the district medical examiner or State Archaeologist. The Broward County medical examiner can be notified at either 954-357-5200 or [med\\_exam\\_trauma@broward.org](mailto:med_exam_trauma@broward.org).

Staff recommends **APPROVAL** of this request, provided the applicant:

- 1) Records a document acceptable to the County Attorney's Office to amend the note on the face of the plat prior to **June 11, 2020**.

The amended note must also include language stating the following:

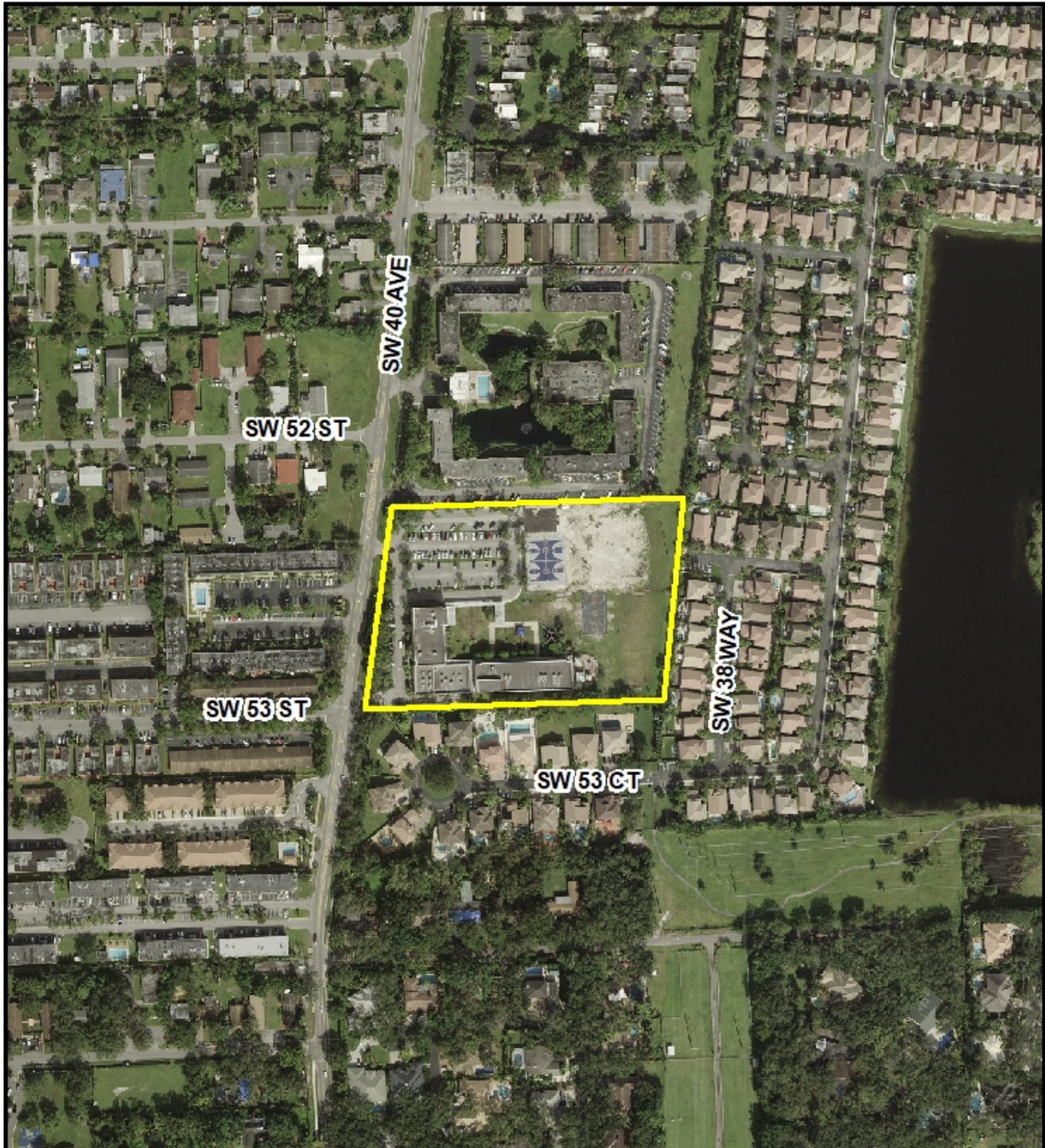
- A) Any structure within this plat must comply with Section 2B.1.f., Development Review requirements of the Broward County Land Use Plan regarding hazards to air navigation.
- B) If a building permit for a principal building (excluding dry models, sales and construction offices) first inspection approval are not issued by **June 11, 2024**, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County shall make a subsequent finding that the application satisfies the adequacy requirements set forth within the Broward County Land Development Code. The owner of the property or the agent of the owner shall be responsible for providing evidence to Broward County from the appropriate governmental entity, documenting compliance with this requirement within the above referenced time frame; and/or
- C) If construction of project water lines, sewer lines, drainage, and the rock base for internal roads have not been substantially completed by **June 11, 2024**, then the County's finding of adequacy shall expire and no additional building permits shall be issued until such time as Broward County shall make a subsequent finding that the application satisfies the adequacy requirements set forth within the Broward County Land Development Code. The owner of the property or the agent of the owner shall be responsible for providing evidence to Broward County from the appropriate governmental entity, documenting compliance with this requirement within the above referenced time frame.

In addition, staff recommends that the Board authorize the Mayor to sign an order approving this agenda item subject to staff findings, comments and recommendations.

The applicant is advised that, in accordance with Section 125.022, Florida Statutes, the issuance of a development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

*JWP*





**Commission District No. 7**  
**Municipality: Dania Beach**  
**S/T/R: 31/50/42**



**003-MP-06**  
**Maimonides Day School**  
**Campus Two**




0 150 300 600 Feet

Prepared by: Planning and Development Management Division  
Date Flown: January 2018



TO: Josie P. Sesodia, AICP, Director  
Broward County Planning and Development Management Division

FROM: Barbara Blake Boy, Executive Director 

RE: Delegation Request for Maimonides Day School Campus Two  
(003-MP-06) City of Dania Beach

DATE: May 6, 2019

Planning Council staff has reviewed the proposed revision to the restrictive note on the above referenced plat. The proposal is to change the restrictive note on the plat as follows:

FROM: This plat is restricted to 85,000 square feet of school use (10,810 square feet of Pre-K; 17,546 square feet of elementary school; and 56,644 square feet of secondary school).

TO: This plat is restricted to 90,000 square feet of private school use.

The Future Land Use Element of the City of Dania Beach Comprehensive Plan is the effective land use plan for the City of Dania Beach. That plan designates the area covered by this plat for the uses permitted in the "Medium (16) Residential" land use category. This plat is generally located on the east side of Southwest 40 Avenue, between Southwest 51 Street and Southwest 54 Street.

The existing and proposed private school use is in compliance with the permitted uses of the effective land use plan.

The contents of this memorandum are not a judgment as to whether this development proposal complies with the Broward County Trafficways Plan, local zoning, other land development regulations or the development review requirements of the Broward County Land Use Plan including its concurrency requirements.

BBB:GSM

cc: Ana M. Garcia, ICMA-CM, City Manager  
City of Dania Beach

Marc LaFerrier, AICP, Director, Community Development Department  
City of Dania Beach





May 16, 2019

Jean-Paul Perez, Senior Planner  
Environmental Protection and Growth Management Depart.  
Planning and Development Management Division  
1 North University Drive  
Plantation, FL 33324

Re: Brauser Maimonides Academy (BMA) – Plat Note Amendment

Dear Mr. Perez:

The Community Development Department of Dania Beach has reviewed the plat note amendment application request for the BMA. Per the City's Land Development Regulations, Chapter 28, Section 640-70(A)(2) plat note amendments can be approved administratively if the increase does not exceed fifteen percent (15%) of the proposed number of square feet of use listed in the restrictive note on the plat.

Therefore, the plat note amendment changing the note on the plat as indicated below, is approved.

FROM:

85,000 square feet of school use (10,810 square feet of pre-K, 17,546 square feet of elementary school, and 56,644 square feet of secondary school).

TO:

90,000 square feet of private school use.

If you have any further questions or require clarification, please feel free to contact Corinne Lajoie at (954) 924-6805, extension 3704.

Sincerely,



Marc LaFerrier, AICP  
Community Development Director

CC: Harold Zombek  
File

**"Broward's First City"**

**ENVIRONMENTAL REVIEW AND COMMENTS REPORT  
TO THE PLANNING AND DEVELOPMENT MANAGEMENT DIRECTOR**

**Application:** Plat Review / Findings of Adequacy / Delegation Request to amend the note to add 5,000 square feet of private school use.  
**File Number:** 003-MP-06  
**Project Name:** Maimonides Day School Campus Two  
**Comments Due:** May 8, 2019  
**Development Type:** Private School Use (90,000 Square Feet)

The Planning and Development Management Division of the Broward County Environmental Protection and Growth Management Department (EPGMD) has coordinated with other Divisions in this Department along with the County Health Department to provide the following comments on the above referenced plat:

**Surface Water Management**

This plat is located in the City of Dania Beach and is under the jurisdiction of the Water and Environmental Licensing Section of the Broward County Environmental Engineering and Permitting Division. Surface water management plans for this plat must meet the criteria contained in Chapter 27 - Article V of the Broward County Code of Ordinances. A surface water management license from the Water and Environmental Licensing Section of the Broward County Environmental Engineering and Permitting Division will be required prior to any construction.

**Potable Water Review**

This project is within the Broward County water service jurisdictional (service) area, District 3A. A BCWWS Utility Connection Permit will be required before water construction can begin. Visit the web page at [www.broward.org/WaterServices/Pages/LandDevelopment.aspx](http://www.broward.org/WaterServices/Pages/LandDevelopment.aspx) for additional information. The configurations of water facilities will likely change per subsequent detailed plan review associated with the BCWWS Utility Connection Permit.

**Wastewater Review**

This property is located in a Broward County wastewater services jurisdictional (service) area, District 3A. A BCWWS Utility Connection Permit will be required before wastewater construction can begin. For additional information visit the web page at [www.broward.org/WaterServices/Pages/LandDevelopment.aspx](http://www.broward.org/WaterServices/Pages/LandDevelopment.aspx). The configurations of wastewater facilities will likely change per subsequent detailed plan review associated with the BCWWS Utility Connection Permit.

Wastewater Treatment Plant:	<b>Hollywood</b>
Flow Data:	<b>As of 12/18</b>
EPGMD Licensed Capacity	<b>55.0000 MGD</b>
12 Month Average Flow:	<b>39.0900 MGD</b>
Existing Flow Reserved by Building Permit:	<b>1.6640 MGD</b>
Total Committed Flow:	<b>40.7540 MGD</b>
Estimated Project Flow:	<b>0.0231 MGD</b>

In accordance with Section 5-182(g) of the Broward County Land Development Code, to date the existing wastewater treatment and disposal facility has sufficient plant capacity to provide for the wastewater treatment and disposal needs of the development proposed by this application.

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003-MP-06 MAIMONIDES DAY SCHOOL CAMPUS TWO

The applicant is advised that a Wastewater Collection/Transmission System License will be required prior to constructing, expanding, or altering either a gravity sanitary sewer, a sanitary force main, or a pump station. Wastewater receiving lift stations and force mains are critical components of the conveyance system. Accordingly, adequate capacity for this project will need to be demonstrated of the receiving off-site sanitary sewer conveyance system. The size and scope of flows for the proposed domestic wastewater generation from this plat will likely be substantial and variable; this may impose additional needs for advance planning, permitting, and construction for both onsite and offsite components of the conveyance system. Contact the Water and Environmental Licensing Section of the Environmental Engineering and Permitting Division at 954-519-1483.

### **Natural Resources Preservation**

This plat is located in a wellfield zone 3 of influence as described in the Broward County Wellfield Protection Ordinance 84-60, as amended, and as incorporated into Broward County Code of Ordinances, Chapter 27, Article XIII.

Review of available information by staff of the Water and Environmental Licensing Section of the Broward County Environmental Engineering and Permitting Division indicates that, at this time, there are no wetlands within the boundaries of the plat. Therefore, a Conceptual Dredge and Fill Review Report is not required. Based upon the present conditions within the site, filling of the land area will not require an Environmental Resource License. Other activities, e.g., lake or canal excavation, regulated under Article XI of the Natural Resource Protection Code may require a license. The applicant is encouraged to contact the Water and Environmental Licensing Section at 954-519-1483 at the earliest time to determine if, and what type of, license may be required prior to undertaking surface disturbing activities.

The Water and Environmental Licensing Section of the Environmental Engineering and Permitting Division encourages all invasive exotic vegetation including Melaleuca, Brazilian-pepper, Australian pine and others as listed in the Exotic Pest Plant Council's List of Florida's Most Invasive Species to be removed during the development process, and a management plan may be necessary to control re-invasion of same. In addition, landscape material should not include any plants considered to be invasive of south Florida's native plant communities. The Exotic Pest Plant Council's List of Florida's Most Invasive Species is available from the Water and Environmental Licensing Section.

Review of aerial photographs indicates that the subject site contains tree canopy. Development of the site must comply with the Tree Preservation Regulations of the City of Dania Beach if trees are to be removed or relocated. The applicant is encouraged to minimize the number of trees to be removed by incorporating existing trees in the site plan. If trees cannot be incorporated into the site plan in their current location, the applicant is encouraged to relocate trees, especially those of specimen size and quality.

This site is not included in the Protected Natural Lands Inventory and is not adjacent to a site in the inventory. The Protected Natural Lands Inventory is a comprehensive database of public and private native vegetative communities that have been protected through acquisition or regulatory mechanisms and are managed for conservation purposes. The inventory, which provides information regarding the ownership and management of each of the Protected Natural Lands, may be accessed at the following website:

<http://bcgis.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=85f453365417459f8ba45fa6e5dddb9c>



**Additional Comments Addressing Certain Environmental Protection Actions Needed to Implement the Project**

1. An Environmental Resource License may be required for any activities regulated under Article XI of the Natural Resource Protection Code. Contact the Water and Environmental Licensing Section of the Environmental Engineering and Permitting Division at 954-519-1483 for specific license requirements.
2. Any discharges to ground or surface waters, excluding stormwater, will require review and approval by the Water and Environmental Licensing Section of the Environmental Engineering and Permitting Division prior to discharge.
3. A Broward County Hazardous Material License may be required. Contact the Environmental Assessment and Remediation Section of the Environmental and Consumer Protection Division at 954-519-1260 for specific license requirements.
4. All future industrial uses must be approved by the Environmental Engineering and Permitting Division.
5. A Storage Tank License may be required if there will be fuel storage associated with either an emergency generator system or a service station. Contact the Environmental and Consumer Protection Division at 954-519-1260 for specific license requirements.

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Be advised that approval of a plat note amendment does not infer any approval to connect to any wastewater collection, treatment, or disposal system. Nor does it infer that sufficient capacity will exist at time of Building Permit approval. Connections to such systems are approved by the Environmental Engineering and Permitting Division as a prerequisite to, and just prior to, approval of Building Permits by the appropriate Building Department for any structures that are to be built on the platted site. These comments do not indicate a waiver or approval of any license or permit that is, or may be, required for any aspect of the project.

**INSTRUCTIONS**

This form is used to apply for amendments or revisions to the current level of development previously approved. For your application to be officially accepted for processing and scheduled for a County Commission meeting, you must complete this application in full. The owner/agent certification (on the reverse side of this form) must be signed and notarized with the appropriate required documentation attached. Please type this application or print legibly in **black ink**.

**PROJECT INFORMATION**

Plat Name Maimonides Day School Campus Two

Plat Number 176 Plat Book - Page 116 (If recorded)

Owner/Applicant Brauer Maimonides Academy Phone 954-989-6886

Address 5300 SW 40 Ave. City Dania Beach State FL Zip Code 33314

Owner's E-mail Address rabbifein@brauer.us Fax # 954-989-4548

Agent Harold Zombek Phone 954-599-5204

Contact Person Rabbi Yoni Fein, Head of School

Address Same as above City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Agent's E-mail Address hzombek@bellsouth.net Fax # 954-962-5281

**PROPOSED CHANGES**

Use this space below to provide the following information and clearly describe the proposed changes you are requesting. Be sure to include the current level of development. (Attach additional sheet if necessary.)

Current note for entire plat 85,000 sq. ft. of school use (10,810 sq. ft. of pre-K, 17,546 sq. ft. of elementary school, and 56,644 sq. ft. of secondary school)

Proposed note for entire plat 90,000 sq. ft. of private school use

**PLEASE ANSWER THE FOLLOWING QUESTIONS**

Has flexibility been allocated or is flexibility proposed to be allocated under the County Land Use Plan?  
 Yes  No  Don't Know  
 If YES, consult Policy 13.01.10 of the Land Use Plan. A compatibility determination may be required.

Is any portion of this plat currently the subject of a Land Use Plan Amendment (LUPA)?  Yes  No  
 If YES, provide LUPA number: \_\_\_\_\_

Does the note represent a change in TRIPS?  Increase  Decrease  No Change  
 Does the note represent a major change in Land Use?  Yes  No

Will project be served by an approved potable water plant? If YES, state name and address.  Yes  No  
See letter from Broward County

Will project be served by an approved sewage treatment plant? If YES, state name and address.  Yes  No  
See letter from Broward County

Are on-site wells for potable water currently in use or proposed?  Yes  No  
 If YES, see page 2 of this form for additional required documentation.

Are septic tanks current in use or proposed?  Yes  No  
 If YES, see page 2 of this form for additional required documentation.

Estimate or state the total number of on-site parking spaces to be provided SPACES 141

Number of seats for any proposed restaurant or public assembly facility, including places of worship SEATS N/A

Number of students for a daycare center or school STUDENTS 650

Reasons for this request (Attach additional sheet if necessary.) Brauer Academy is a private school from pre-K thru 8th grade. The school reached capacity this year and anticipates future growth to accommodate demand for additional students.

**FOR APPLICATIONS PROPOSING INDUSTRIAL USE(S) - SUPPLEMENTAL REQUIREMENT**

Proposed industrial plat notes which about residential land use categories or are separated from a residential land use plan category by rights-of-way, easements, canals or lakes with a width of 100 feet or less must submit written documentation from the municipality stating how the City will address compatibility between the proposed industrial use(s) and the residential land use plan category. Industrial uses include manufacturing, assembly, processing, indoor and outside storage, warehouse, distribution, excavation and landfills. Residential land use plan categories include all residentially named categories plus Agricultural, Rural Ranches, Rural Estates, TOC, TOD, RAC and LAC. Please consult with Planning and Development Management staff if you have any questions.

**Please see reverse side for Required Documentation and Owner/Agent Certification**

- Recorded or approved plat.
- Letter of approval from the applicable municipality, dated within six (6) months of this application, specifically stating the precise note language. If the property is located within a Development of Regional Impact (DRI), the letter shall also indicate if the proposed note is consistent with the approved DRI Development Order.
- Current letter is required from the appropriate utility service area stating the location of the closest approved potable water line and/or sanitary sewer line and the exact distance to the property if on-site wells for potable water and/or septic tanks that are currently in use or proposed.
- Signed and sealed sketch and legal description for any new parcel or tract created by the application.
- A check for the application fees made payable to: Broward County Board of County Commissioners. Please consult the Development Permit Application Fee Schedule.

School Concurrency Submission Requirements

- RESIDENTIAL APPLICATIONS ONLY: Provide a receipt from the School Board documenting that a Public School Impact Application (PSIA) and fee have been accepted by the School Board.

REQUIRED DOCUMENTATION FOR EXISTING BUILDINGS

Are there any existing structures on the plat and/or parcel that is currently being amended? Yes or No? If "Yes," you are required to submit documentation providing evidence of the use, size (gross sq. ft.), unit type, and bedroom number as well as complete the table below. Please be advised that gross non-residential square footage includes permanent canopies and overhangs for gas stations, drive thru facilities, and overhangs designed for outdoor tables at a restaurant. A building is defined by the definition in the Land Development Code.

LAND USE	Gross Building sq. ft.* or Dwelling Units	Date Last Occupied	EXISTING STRUCTURE(S)		
			Remain the same?	Change Use?	Has been or will be demolished?
Private School	60,684 sq. ft.		yes	no	no

The following are examples of documentation that may be used to confirm the existence of buildings on the plat and/or parcel:

- An "as built" survey prepared within six (6) months of this application showing the existing buildings.
- A copy of the latest approved site plan showing the existing buildings along with evidence from the municipality documenting that site plan is the latest approved site plan.
- If the existing structures are residential, evidence will be required of the bedroom mix and unit type. A letter from the city and or copies of permit records may be acceptable forms of evidence.
- Other evidence may be accepted if it clearly documents the use and gross square footage of the existing buildings.

OWNER/AGENT CERTIFICATION

State of Florida  
 County of Broward

This is to certify that I am the owner/agent of the property described in this application and that all information supplied herein are true and correct to the best of my knowledge. By signing this application, owner/agent specifically agrees to allow access to the described property at reasonable times by County personnel for the purpose of verification of information provided by owner/agent.

Signature of owner/agent Jean Lasko

Sworn and subscribed to before me this 13th day of March, 2019

by [Signature]  He/she is personally known to me or

Has presented [Signature] as identification.

Signature of Notary Public [Signature]

Type or Print Name Oran Lasko



FOR PLANNING AND DEVELOPMENT MANAGEMENT DIVISION USE ONLY

Time N/A Application Date 4/8/2019 Acceptance Date 4/24/2019

Comments Due 5/8/2019 C.C. Mtg. Date TBD Fee \$ 2090

- Plats  Survey  Site Plan  City Letter  Agreements

Other Attachments(Describe) WWS LETTER

Title of Request NOTE AMENDMENT TK ACCEPTED BY JEAN-PAUL PEREZ

- Distribute to:  Full Review  Planning Council  School Board  Land Use & Permitting

- Health Department (on septic tanks and/or wells)  Zoning Code Services (unincorporated area only)

- Planning & Redevelopment (unincorporated area only)  Other