



City of North Miami Beach, Florida

Community Development Department

17050 NE 19TH AVENUE

1ST FLOOR

NORTH MIAMI BEACH, FLORIDA 33162

PLANNING & ZONING DIVISION: (305) 354-4456

PLANNING & ZONING BOARD

Meeting: 06/13/2022

File No: 22-22

Application Name: Aventura Orthopedic Care Center

General Data:

Applicant: Alan Rosenthal

Architect : N/A

Location: 17200 NE 19th Ave

PCN: 07-2209-004-1020, 07-2209-004-1030, & 07-2209-004-1040

Property Size: 3,888 Sq. Ft

FLUM: Business

Zoning: Residential Office District

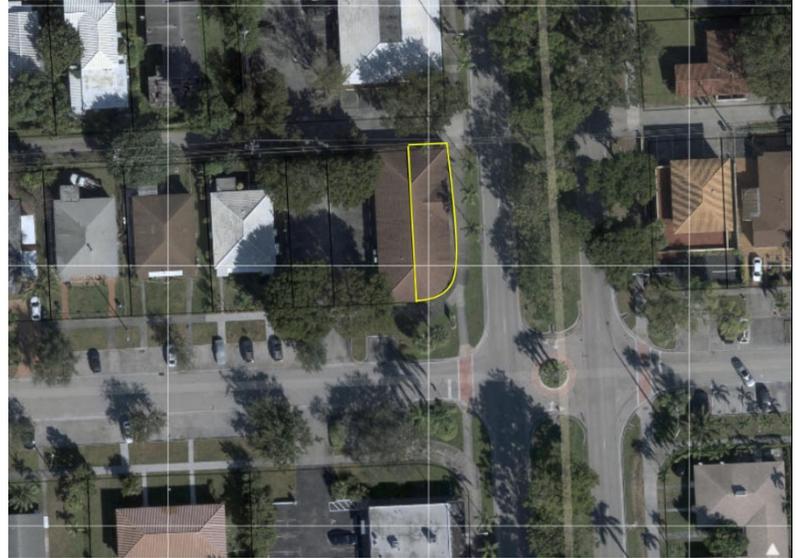
Adjacent Zoning:

- North: RO
- East: RO
- South: RO
- West: RD

Existing Land Use: Office

Proposed Land Use: Office

Proposed Gross Floor Area:



Item before the Board:

The action before the Board is for the approval of a Conditional Use application for the 17200 NE 19th Ave existing office building pursuant to Ordinance (Ord.) Section 24-175. Records indicate that the previous medical office use was in operation for years without an active conditional use. Once the previous use ceased operation for 180 days, a conditional use application is required in order to legally establish a new medical office use in accordance with code section 24-179(A)(2) the conditional use is required to go before the Planning and Zoning Board for approval.

- Conditional use approval for proposed office use per Sec. 24-50(C)(i)

Optional Board Motions for Action Items:

1. Move to continue with direction.
2. **Move approval** of the Conditional use application (File#22-22), for the office located at 17200 NE 19th Ave, by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Zoning and Land Development Regulations.
3. **Move denial** of the Conditional use application (File#22-22), for the office located at 17200 NE 19th Ave, by finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria set forth in the Zoning and Land Development Regulations.

Summary:

The proposed application seeks to utilize the property located at 17200 NE 19th Ave in order to operate the building as built and will not make any site modifications to the exterior nor any major site modifications to the interior. This building is an existing site and seeks a conditional use to operate a medical office at 17200-40 NE 19th avenue.

Background:

The subject site is situated at the west side of North East 19th Ave. The following is a list of events relating to the property:

- According to the Miami-Dade County Property Appraiser records the building was built in 1975.

Project Planner:

Jethro Francois,
Planner I

Jethro.francois@citynmb.com
305-948-2966

Review Dates:

Planning & Zoning Board:

June 13, 2022

City Commission (TBD)

Attachments:

Draft Resolution
Application & Letter of
Intent
Survey

- The building has operated as an office since it was first built. No resolutions could be found for this property at this time.

Site Plan Analysis:

Compliance with the Zoning and Land Development Regulations:

Items identified in the Land Development Regulations shall specifically be addressed by the body taking final action on the site and development application/request.

Pursuant to Ord. Section 24-52 (A), **Purpose.** Residential Office District *“The purpose and intent of this district is to provide suitable sites for the development of office structures of a low-rise single-family residential character which accommodate low traffic generating uses and can serve as a transitional land use element between single-family residential neighborhoods and major streets or more intensive commercial areas as may be consistent with the City’s Comprehensive Plan Land Use Plan.”*

- The proposed professional office is a conditional use according to Section 24-50(C)(i) and requires conditional use approval. Ord. Section 24-22 defines professional office use as *“May include, but not limited to: Abstract and title agencies, banks and financial institutions, non-financial brokerage services without outdoor on-premises display of products, credit reporting and collection agencies, accountants, architects, auditors, appraisers, city planners, economists, engineers, lawyers, doctors, dentists, chiropractors, optometrists, psychologists, and other similar licensed practitioners, drug/alcohol and violent/dangerous behavior counseling or treatment and veterinarians provided that there shall be no boarding (this does not include limited overnight medical treatment) and all activities relating to any such uses are conducted entirely within an air conditioned, soundproofed building and other similar type businesses not enumerated in the same or higher intensity zoning district.*
- The applicant is not making any changes to the exterior and will be making minor alterations within the interior of the building, however, the building footprint will be staying the same. This application is for a conditional use that was necessary due to the discontinuance of a BTR for more than 180 days.

Site Development Standards:

The following table compares the project design to the minimum and maximum development standards for the RO zoning district set forth in Ord. Sections 24-50 (D):

Zoning RO Residential Office District	Required/ Allowed	Provided
Lot Area (Min.)	6,000	3,888. Ft
Lot Width (Min.)	60	33.55*
Lot Depth	n/a	74.95”
Floor Area (Max.)	2,500 sf	3,888ft
Pervious Area (Min.)	30%	0
Height (Max.)	1 Story/15’	1 Story
Setbacks (Min.):		
Front (East)	25’	0’ (Existing Nonconforming)
Rear (West)	15’	0’ (Existing Nonconforming)
Side Interior (North)	7 1/2’	0’ (Existing Nonconforming)
Side Corner (South)	15’	64’

Special Regulations:

Pursuant to Ord. Section 24-52 (D)(7)(c), **Lighting:** All necessary lighting shall be so oriented as to prevent any direct glare or nuisance of any kind on or to adjacent properties or public right-of-way.

- No renovation of the lighting will be made, the applicant will use the existing photometrics for the site.

Supplemental Regulations:

All of the supplemental features are existing. The applicant will not make any changes to the structure or alteration to the par

Off-Street Parking Requirements:

The following table demonstrates the project's Off-street parking in comparison to Ord. Section 24-95, 24-97 and 24-99:

Use	Formula	Required	Provided
Medical Office	4.5 spaces for each 1,000 sq. ft. gfa	(3,888 sf /1000) *4.5 = 17.4 spaces	
Total		17	17

Pursuant to Ord. Section 24-93 (G) **illumination.** All off-street parking facilities, except those which serve single-family or two-family residential dwellings, shall be illuminated according to the standards contained herein.(1)For the purpose herein, open off-street parking facilities shall include the surface of open-to-the-sky parking spaces, driveways and accessways. (2) Intensity of illumination:(a) Open parking facilities shall provide an average illumination intensity of one (1) foot candle equal to one (1) lumen per square foot and shall be well distributed on the pavement areas.

- Existing Illumination the applicant is not making any changes

Pursuant to Ord. Section 24-130 **On-Site Stormwater Runoff,** the first one (1) inch of rainfall shall be retained on-site through the use of swales, trench drains, retention ponds and other techniques acceptable to the City Engineer.

- The City Engineer provided TRAD signoff for the project indicating that this was an existing structure and this application was only for a conditional use.

Site Plan Review Standards:

Review Standards. The following standards shall be utilized by all applicable individuals and departments involved in the review and evaluation of required plans and exhibits:

Pursuant to Ord. Section 24-172 (G)(1), **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 areas and uses. Special attention shall be devoted to natural vegetation along waterfronts.

- Landscape sheet not provided. The landscape is existing and sufficient according to the code.



Pursuant to Ord. Section 24-172 (G)(3), **Circulation and parking**: All circulation systems and parking facilities shall be designed and located in such a manner as to comply with subsection (a)-(d).

- The applicant will utilize the existing conditions for circulation and parking. The site has two entrances/exits, the primary entrance/exit is located on NE 172nd street. The secondary entrance/exit can be accessed by the adjacent.

Pursuant to Ord. Section 24-172 (G)(4), **Community services and utilities**: All proposed developments shall be designed and located in such a manner as to ensure the adequate provision, use and compatibility of necessary community services and utilities.

- Staff reviewed the site plan and concurrency requirements for potable water, sanitary sewer, solid waste, parks and recreation, and public schools and determined that the levels of service will be adequately maintained and serve the project.

Pursuant to Ord. Section 24-172 (G)(5), **Building and 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 environment. The following guidelines shall be followed in the review and evaluation of all buildings and structures:

- a) Proposed buildings and structures should be related harmoniously to the terrain, other buildings, and the surrounding neighborhood, and should not create through their location, scale, style, color or texture incompatible physical or visual relationships.

This property was built in 1979 and is an existing structure. There will not be any modifications made to the site. The building is located in the residential office district and reflects similar designs as the surrounding single-family homes and one-story office buildings.

- b) Maximum privacy should be incorporated into the design of any individual residential units and related outdoor patio and living areas.

- The property will not be modified in any way to affect the privacy of the structure.

- c) Building location and other site features shall be reviewed in the context of any proposed road widenings, particularly the Biscayne Boulevard frontage.

- No additional roadway widening is anticipated by FDOT for NE 19th Avenue.

- d) Proposed buildings located in Special Flood Hazard Areas as identified on flood insurance rate maps (FIRM) prepared by the Federal Emergency Management Agency (FEMA) shall have the lowest floor elevated no lower than the level of the base flood elevation.

- The building is existing not proposed, thus compliance with this section is not applicable. However, the property is located within Zone X. The finish floor elevation is 11.48' NGVD in compliance with flood requirements.

- e) Proposed buildings and site shall be compliant with the Americans with Disabilities Act (ADA) and Miami-Dade County Code of Ordinances.

- Proposed buildings and site shall be compliant with the Americans with Disabilities Act (ADA) and Miami-Dade County Code of Ordinances.

Pursuant to Ord. Section 24-172 (G)(7), **Crime Prevention Through Environmental Design (CPTED)**: All proposed development shall be designed to discourage and reduce the possibility of nuisance and criminal activity.

- The police department has reviewed the plans throughout the TRAD process for location, traffic, visibility, windows and doors, security lighting, parking lot lighting, use of digital security cameras, especially in parking areas and other common areas, including ingress and egress areas, and has determined that project demonstrates acceptable design standards to reduce crime.

Conditional Use:

Article XV. Other Development Review Procedures, Sec. 24-175 Conditional uses.

Pursuant to Ord. Section 24-52 (C)(15), Restaurants, fast food with drive thru. Ordinance Section 24-175 (B)(1)-(9) list the conditional use review standards. The following is the staff analysis of the project in accordance with these standards:

1. The proposed use is compatible with the exiting natural environmental and other properties within the neighborhood;
 - The medical office use is compatible with the neighborhood. The Property was previously operating as a Medical Office and Adolescent Counseling center before the discontinuance of the previous BTR. This building has existed since 1979.
2. The proposed use will create no substantial detrimental effects on neighborhood property values;
 - This building is an existing structure and is currently not in use. The utilization of this property will have positive effects on the environment, not detrimental.
3. The proposed use can be accommodated by adequate community facilities
 - The proposed medical office use will not have an impact on schools or park services and will not result in a deficiency in the level of service of community facilities.
4. The proposed use will have adequate provisions for vehicular and pedestrian traffic movement;
 - The Property is located with the Fulford Town Center on the west side of Northeast 19th avenue. The property is located on a primary street none of its traffic components have been altered. The parking lot will operate as existing.
5. The proposed use will have adequate drainage systems;
 - The applicant is not making any changes to the parking lot and will utilize the existing conditions of the parking lot drainage.
6. The proposed use will have adequate setbacks and amenities, to control adverse effects; and
 - The property is a nonconforming structure and will operate with its existing setbacks and its existing amenities, no changes will be made to the structure.
7. The proposed use will be located on property, which is sufficient, appropriate and adequate for any reasonable expansion.
 - The medical office use contained in the proposed site plan is consistent with the City's Comprehensive Plan. The property has adequate parking and does not have space to expand because it has a 0' setback on three of its sides.
8. Any other conditions as may be stipulated and made a requirement in granting any conditional uses, when it is considered necessary to further the intent and general welfare, including, but not limited to:
 - The medical office will utilize the existing loading components, there will be no addition to the gross floor area.

Comprehensive Plan Consistency:

The City's Comprehensive Plan and the Florida Statutes establish that a development order and development approved by the City is consistent with the adopted comprehensive plan if the land uses, densities or intensities, capacity or size, timing, and other aspects of development permitted by such order or approval are compatible with and further the objectives, policies, land uses, and densities or intensities established in the comprehensive plan and land development regulations. This project is most consistent with and furthers the following policies of the North Miami Beach Comprehensive Plan:

Future Land Use Element

Policy 1.1.9: Development, development orders, and permits issued by the City must be specifically conditioned on the availability of facilities and services necessary to serve the proposed development.

Policy 1.2.8: The City shall encourage development and redevelopment of appropriate scale and type in areas adjacent to established residential neighborhoods. Appropriate scale and type shall be determined by reviewing the compatibility of proposed development and redevelopment with the adjacent residential uses

Policy 1.2.16: The City shall continue to identify areas of slum and blight in the community, rank these areas in order of priority, and develop a schedule which will ensure all such areas are studied and solutions are identified.

Policy 1.8.2 Business: A range of zoning districts from a) the residential-office district with nonresidential uses limited to offices, institutions and community facilities to b) arterial highway districts with automotive and

Public Notices:

- ✓ Public Notice was posted at the property by **June 3, 2022**, at least 10 days prior to the meeting.
- ✓ Courtesy notices were mailed to property owners within a 500-foot radius by **June 3, 2022**, at least ten days before the meeting date.
- ✓ The agenda was posted to the City's website by **June 6, 2022**, at least 7 days prior to the meeting date
- ✓ Public Notice was posted in the main lobby at City Hall by **June 3, 2022**, at least 10 days prior to the meeting date.