



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: 22-21

Application Name: North Academy

General Data:

Applicant: North Academy

Architect : Frank Smith

Location: 1813 NE 163 Street

PCN: 07-2216-001-0700, 07-2216-001-0571

Property Size: 18,681

FLUM: Fulford Mixed Use Town Center (MU/TC)

Zoning: Fulford Mixed Use Town Center (MU/TC)

Adjacent Zoning:

- **North:** MU/TC
- **East:** MU/TC
- **South:** MU/IB-W
- **West:** MU/TC

Existing Land Use: Private School: Vocational

Proposed Land Use: Private School: Education

Proposed Gross Floor Area: 4,342 Sq. Ft.



Item before the Board:

- The applicant North Academy has applied for a Conditional Use Application to change from a Vocational School Classification to Educational School Classification.
- The property current zoning district is Fulford Mixed Use Town Center (MU/TC), the use of “Education” requires a Conditional Use Approval. There is no other application request regarding this project.

Optional Board Motions for Action Items:

1. Move to continue with direction.
2. **Move approval** of the Conditional use application (File#22-21), for the charter school located at 1813 NE 163 Street, 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#22-21), for the charter school located at 1813 NE 163 Street, 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 conditional use request seeks to convert an existing vocational school to an educational school for special needs students. There are no interior, exterior or site modification proposed. The property is zoned Fulford Mixed-Use Town Center District (MU/TC). Pursuant to ZLDC Section 24-58.1(G)(2) Table MU/TC-1, Educational uses requires conditional use approval.

Project Planner:
 Daniel Lozandier
 Senior Planner
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 305-948-7581

Review Dates:
Planning & Zoning Board:
 July 11, 2022
City Commission (TBD)

Attachments:
 Draft Resolution
 Application
 Letter of
 Intent & Concurrency Analysis
 Site Plan & Survey

Background:

The subject property is located at the east side of North East 18th 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 1970 and was last fully renovated in 2005.
- The previous tenant operated as Beauty Schools of America when they applied for a BTR in 2019.
- They challenged the City of North Miami Beach to define their use as vocational as to avoid the conditional use required. The City accommodated their request, and in 2022 they are applying for the conditional use to change their use to educational in order to obtain grant funds.
- North Academy daily operations accommodate for a maximum of 50 students.

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.

Purpose.

Pursuant to ZLDC Section 24-58.1, Fulford Mixed-Use Town Center District (MU/TC) *“The purpose and intent is to enable transit-oriented development that contributes to the creation of an urban downtown and the formation of a quality pedestrian-oriented, Mixed-use district. The objective is to shape development to create a “place,” an exciting, enlivened social gathering point and a destination, which encourages the establishment of a wide mix of commercial and residential uses that offer the flexibility to meet a variety of market needs. The aim of these regulations is to create an environment that attracts day and evening activities so that the street is occupied by visitors, residents, business owners and operators who have a clear and vested interest in the vitality of the Fulford Mixed-Use Town Center District.*

- The proposed school for special needs students is allowed with a conditional use in accordance ZLDC Section 24-175. The school supports the Mixed-Use zoning district.

Other Development Regulations:

Pursuant to ZLDC Section 24-172(B), **Applicability.** A site plan approval is required for all new development, excepting only single-family and two-family dwelling units; it is also required for any significant shift in the type of land use that involves major interior alteration, a change in required parking or other similar impact determined to be significant by the Director. The Florida Building Code shall serve as a basis for determining what is a significant shift in land use category.

- This application is to simply change the designation of an existing school for special needs children from a business Vocational School use to an Educational Use. There will be no significant shift in the land use category.

Site Development Standards:

The following table compares the project design to the minimum and maximum development standards for the MU/TC zoning district set forth in Ord. Sections 24-58.1(K)(2):

<u>Zoning</u> Fulford Mixed-Use Town Center District (MU/TC)	Required	Provided
Height (Max.)	1 Story	1 Story (Existing)
Setbacks (Min.):		
Front	0-20'	62.3' (Existing)
Rear	0'	0' (Existing)
Interior Side (North)	0'	39.9' (Existing)
Interior Side (South)	0'	10' (Existing)

**Applicant will provide an updated Boundary Survey identifying existing setback measurements*

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

Use	Required	Provided
School	Max Number of Students: 50 Number of Students / 4 = 13 Required Parking Spaces	29 Parking Spaces

Conditional Use Review Standards:

Applications for Conditional Use shall be reviewed for compliance with the following criteria:

- (1) The proposed use will be compatible with the existing natural environment and other properties within the neighborhood;
 - The proposed Education School for special needs is compatible with the current land use and will be suitable for the neighborhood.

- (2) The proposed use will create no substantial detrimental effects on neighborhood property values;
 - The proposed use is consistent with surrounding uses in the immediate neighborhood, which is mostly commercial, schools or vacant amenities. On the contrary, North Academy is anticipated to have a positive effect on neighborhood property values, and current residents. The proposed special education school mission is to provide students with special needs the means and knowledge for independent living and to enter the workforce through educational, vocational, and life skills instruction in a safe, nurturing, and structured environment.

- (3) The proposed use can be accommodated by adequate community facilities such as schools, streets, parks, and utilities; A concurrency analysis was submitted by the applicant. There are no concerns anticipated in relation to the proposed use. The proposed use accommodates with city regulations, current land use and the surrounding neighborhood and environment.

- (4) The proposed use will have adequate provisions for vehicular and pedestrian traffic movement, both internal to the use and in the area which will serve the use;
 - There are no traffic concerns anticipated in relation to the proposed use. North Academy intends to bring a maximum of 50 students in the workplace.

- (5) The proposed use will have adequate drainage systems to service the use with particular attention to the necessity for on-site retention systems to alleviate runoff and pollution problems;
 - No nuisances are anticipated to be created by the proposed use. This is a simple use change from Vocational to Educational. The site currently exists with adequate amount of parking spaces with no recent modifications to the drainage systems. The Service Demand Analysis Form submitted by the applicant also indicates that the existing storm water drainage will remain with 6.05" runoff.

- (6) The proposed use will have adequate setbacks, buffering, and general amenities in order to control any adverse effects of noise, light, dust, and other nuisances;
 - This is a change of use from Vocational School to Education. There will be no modifications to the setbacks, buffering, and general amenities since the building is existing and there are no exterior modifications proposed. The Proposed use will cause no noise or other nuisances in the neighborhood.

- (7) The proposed use will be located on property which is sufficient, appropriate and adequate for any reasonably anticipated expansion thereof; and
 - The proposed use will be operating in an existing fully renovated one story building. The building will not be expanded under the proposed use nor is it anticipated that the proposed use would require any such expansions in the future.

- (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: (a) Limitations on the hours of commercial or industrial operations, (b) Limitations on the number of occupants of any building at any one time.
 - None

- (9) Medical marijuana dispensary/medical marijuana treatment centers.
 No medical marijuana dispensaries/medical marijuana treatment centers shall be located within five hundred (500') feet of the real property that compromise a public or private elementary school, middle school, or secondary school.
 - Not Applicable

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 1.3.2: Continue to cooperate with adjacent municipalities in jointly reviewing any new development or redevelopment occurring on the Biscayne Boulevard corridor.

- North Academy School demonstrates compliance with the City of North Miami Beach Comprehensive Plan policies by providing a service that improves quality of life for special needs children. Students attending this school will have the opportunity to be receive various trainings/therapies, speech comprehension, life skills to function in society, and more.

Pursuant to NMB Comprehensive Plan X. Public Education Facilities Element

Goal 1 The City shall cooperate with Miami-Dade County Public Schools (MDCPS) and other appropriate governmental agencies in the development, operation, and maintenance of a public education system, which will strive to improve the quality and quantity of public educational facilities available to the citizenry of the City.

Pursuant to NMB Comprehensive Plan VIII. Intergovernmental Coordination Element

Policy 1.3.6 Miami-Dade County Public Schools (MDCPS) shall coordinate with the City at the planning stage to determine whether the new construction or renovation of existing educational facilities meet the adopted Level of Service Standard adopted in the Infrastructure Element of the City’s Comprehensive Plan and distribute a fair share cost of infrastructure improvements necessary to meet the adopted Level of Service Standard.

Pursuant to NMB Comprehensive Plan VII. Recreation and Open Space Element and Educational Facilities

Goal 2 Provide the residents of the City of North Miami Beach access to the expanding range of information, educational facilities, cultural enrichment activities and the responsive innovative services which contribute to the quality of life in the community.

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 **July 3, 2022**, at least 10 days prior to the meeting date.