



Southeastern College
Conditional Use Application
Letter of Intent

Miami Lakes Center LLC and Miami Lakes AM LLC (collectively “Applicant”) are the owners of the +/- 10.71 acre parcel located at 5875 NW 163rd Street within the Town of Miami Lakes, Miami-Dade County, Florida (“Town”) and whose folio number is 32-2013-015-0030 (“Property”). The Property is designated as Industrial and Office (“IO”) on the Town’s Future Land Use Map and is zoned Industrial District, Conditional (“IU-C”).





Adjacent to the Property are the following land uses and zoning districts:

	<u>Land Use Designation</u>	<u>Zoning District</u>
<u>North:</u>	Business and Office	BU-1A
<u>South:</u>	Industrial and Office	IU-C
<u>East:</u>	Industrial and Office	IU-C
<u>West:</u>	Business and Office/ Industrial and Office	IU-C/BU-2

Presently, the existing building on the Property encompasses +/- 147,588 square feet (two floors at 73,794 square feet per floor) and is occupied by the following uses:

<u>Floor</u>	<u>Use</u>
First Floor	Offices Clinic Vacant Space (Formerly Dade Medical College, which closed in 2016)
Second Floor	Offices

In 2011, the Town approved a conditional use application to allow Dade Medical College to operate a school on the Property pursuant to PZB NO: 2011-39. As a condition to this approval, Dade Medical College was restricted to a maximum student enrollment of 400 students with no more than 230 students on campus at any time.

The purpose of this application is to request the re-establishment and operation of a nonpublic educational facility ("School") on the Property in the IU-C zoning district pursuant to the Town's Code of Ordinances ("Code") Sections 13-303(c)(3) and (c)(4). Code Section 13-748 classifies nonpublic educational facilities as a conditional use subject to a public hearing and approval by the Town Council.

The Applicant has outgrown their current location and desires to relocate their existing campus in Miami Lakes to the Property, specifically in the same space previously occupied by Dade Medical College ("Project"), which has been vacant for the past four years. The Applicant



proposes reconfiguration of the interior space only, and no exterior improvements are proposed for the Project. To ensure the growth and success of the institution, the Applicant is also proposing a maximum student enrollment of 800 students (excluding online students) with no more than 350 students on campus at any time. Additionally, in the event that additional square footage becomes available for lease on the Property (“Future Expansion”), Applicant is requesting an approval in advance to increase the maximum student enrollment to a total of 1,200 students (excluding online students) only in connection with said Future Expansion.

	<u>User</u>	<u>Maximum Student Enrollment*</u> <i>*Excludes online students</i>	<u>Maximum Number of Students on Campus</u>
<u>Previously Approved Use</u>	Dade Medical College	400	230
<u>Proposed Use</u>	Southeastern College <i>(current student population = 422)</i>	800* (1,200* conditioned upon Future Expansion)	350 (550 conditioned upon Future Expansion)

The Applicant, Southeastern College (“College”), is a nationally accredited, private, and post-secondary institution with five campuses located in three states: Florida, North Carolina, and South Carolina. It has graduated nearly 20,000 students since inception, and currently serves approximately 1,300 students. Programs offered by the College include allied health, business, and information technology ranging from the diploma/certificate to bachelor degree level. The Sun Sentinel has recognized the College as a ‘Top Work Place’ for 2020.

Specifically, the College’s Miami Lakes campus was named the 2018 School of the Year by Florida Association of Post-Secondary Schools and Colleges (FAPSC) and was also recognized as the best school in Florida for its student outcomes. The College does not offer residential facilities on campus, and thus is not subject to the requirements enumerated in Code Section 13-785(c). The types of programs offered by the College are:

<u>Degree</u>	<u>Program</u>
Bachelors	Registered Nursing to Bachelors of Science in Nursing (RN to BSN)
Associates	Business Administration Medical Assisting



	Diagnostic Medical Sonography Registered Nursing Surgical Technology
Certificate/Diploma	Business Administration Medical Assisting Electronic Medical Billing and Coding (Online) Licensed Practical Nursing

The College's hours of operation are:

<u>Hours of Operation</u>	
Monday - Friday	7:45am – 11:00pm
Saturday	8:30am – 5:30pm

Classes are offered during day, which start and end at different times. Day classes can begin as early as 8:00am and end as late as 3pm. Evening classes begin after business work hours at different times. Evening classes begin as early as 6:00pm and end as late as 11:00pm. Classes can also be scheduled on the weekends.

Currently, the College's Miami Lakes campus serves 422 students. The demographics for this campus' student population are as follows:

<u>Type</u>	<u>Percentage</u>
Day Students (On-Site)	35%
Night Students (On-Site)	25%
Online (Not on-site)	25%
Clinical/Externship (Not on-site)	15%

<u>Ethnicity</u>	<u>Percentage</u>
Asian	3.9%
Black or African American	22%
Hispanic	54%
White	9%
Other	1.6%
Prefer Not to Respond	12.43%
Prefer to Self-Describe	2.3%



<u>Age Range</u>	<u>Percentage</u>
18-24	27%
25-34	48.6%
34-44	13.56%
45-54	6.78%
55+	2.82%

<u>Gender</u>	<u>Percentage</u>
Male	14.4%
Female	71.2%
Non-Binary	1.6%
Prefer Not to Say	11%
Prefer to Self-Describe	2.7%

The College is supported by its quality and hardworking staff and faculty and currently employs a total of 74 employees (44 full-time and 30 part-time). Among the 74 employees, 50 are teachers (21 full-time and 29 part-time/adjunct) and 24 are administrators.

See **Exhibit A** for additional information required for nonpublic educational facilities submitting an application in accordance with Code Section 13-785(d).



Justification for Conditional Use

Pursuant to the Town's Code Section 13-303(b)(3), a conditional use shall be permitted upon a finding by the Town Council (or designated Town Board) that the proposed use satisfies the following criteria:

- a. **Land use compatibility.** The conditional use, including its proposed scale and intensity, traffic-generating characteristics, and off-site impacts shall be compatible and harmonious with adjacent land uses and shall not adversely impact land use activities in the immediate vicinity. For purposes of a conditional use review, compatibility is defined as a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. Compatibility of land uses is dependent on numerous development characteristics which may impact adjacent or surrounding uses. They include: type of use, density, intensity, height, general appearance and aesthetics, odors, noise, smoke, vibration, traffic generation and nuisances. Compatibility shall be measured based on the following characteristics of the proposed use or development in relationship to surrounding development in the immediate area:*
- 1. Permitted uses, structures and activities allowed within the land use category.*
 - 2. Building location, dimensions, height, and floor area ratio.*
 - 3. Location and extent of parking, access drives and service areas.*
 - 4. Traffic generation, hours of operation, noise levels and outdoor lighting.*
 - 5. Alteration of light and air.*
 - 6. Setbacks and buffers such as fences, walls, landscaping and open space treatment.*

Applicant's School is compatible and harmonious with adjacent land uses and does not adversely impact land use activities in the immediate vicinity for the following reasons:

- I. Land Use: The Project is compatible with other land uses in the immediate vicinity. Figure 1 below is a snapshot of the Town's Future Land Use Map. The Property is identified by a yellow star. As seen below, the Property is mostly surrounded by future land uses in the same category, IO, and two parcels with a Business and Office (BO) future land use. Both types of land

uses are complimentary rather than adverse, and thus can coexist in harmony with little to no conflicts with neighboring land uses.

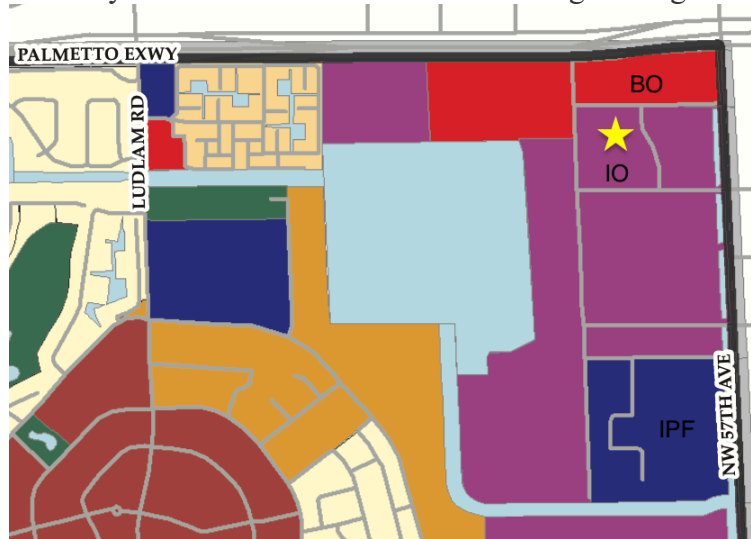


Figure 1. Future Land Use Map

- II. Zoning: The Project is compatible with other zoning districts in the immediate vicinity. Figure 2 below is a snapshot of the Town's Zoning Map. The Property is identified by a yellow star. As seen below, the Property is mostly surrounded by parcels zoned in the same category, IU-C, and two types of business districts – Limited Business District (BU-1A) and Special Business District (BU-2).

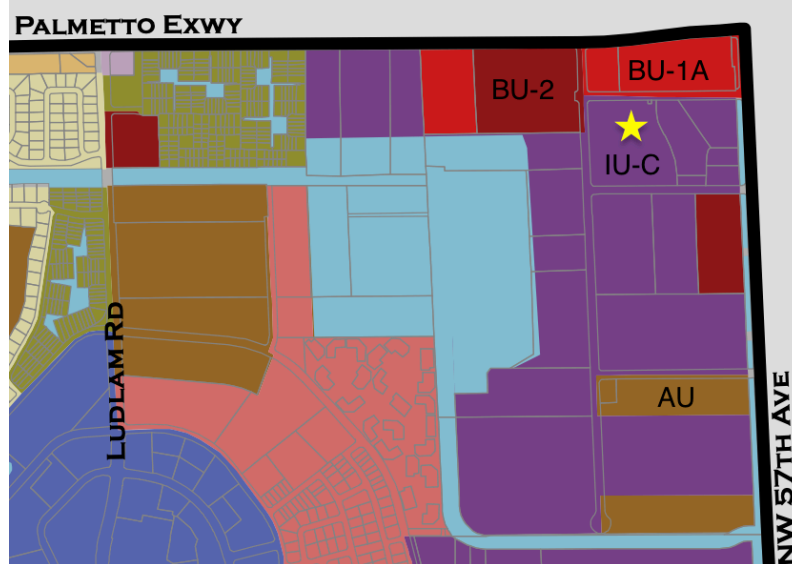


Figure 2. Zoning Map



- III. Permitted Uses, Structures, and Activities: Schools, like Applicant, are permitted by right in both the BU-1A and BU-2 zoning districts. To that point, there are several, non-residential schools located within a 3-mile radius of the Property, including Dade Christian School and Miami Lakes Educational Center & Technical College. Therefore, approving a conditional use for this Project in the IU-C zoning district is compatible and consistent with the neighboring business districts because there are similar permitted uses whose structures and activities are the same as Applicant's Project and will not adversely impact neighboring properties. Additionally, other uses located within adjacent business districts compliment Applicant's proposed use because College employees and students will be utilizing banks, restaurants, retail, gyms, and other consumer services in the surrounding area.
- IV. Building Location, Dimensions, Height, and Floor Area Ratio: The Project will be located in an existing building and in a space previously occupied by a School. No exterior improvements are proposed. Therefore, there are no compatibility issues with the proposed Project with regard to the building.
- V. Location and Extent of Parking, Access Drives, and Service Areas: A parking analysis dated June 11, 2020 and prepared by McMahon Associates, Inc. ("Parking Study") has been included with this application and reveals the following regarding off-street parking:

	<u>Minimum Required Per the Town's Code Section 13-1801</u>	<u>Provided/ Proposed</u>	<u>Surplus/ Shortage</u>
For All Uses on the Property	450	696	<i>Surplus of 246</i>
School Use Only	129	200	<i>Surplus of 71</i>
<u>Notes:</u> <ul style="list-style-type: none">• Remaining Surplus of 175 Parking Spaces• Newly, proposed Parking Garage on the Property will have an <i>additional 1,254 parking spaces</i> on floors 2-6			



- Code Section 13-204(18) provides an available waiver of up to 15% of off-street parking requirements for a single use where Applicant can demonstrate that differing hours of operations of existing businesses to justify such waiver. If granted, the Code required parking would equal 110 parking spaces, the School would still provide 200 parking spaces, and the surplus of parking spaces would equal 90.

Two hundred (200) parking spaces have been exclusively reserved for the College despite the Town's required 129 parking spaces. Furthermore, the demographics of day/evening/online/clinical students lessen the demand for parking spaces at any given time. Online students and clinical students generate zero demand for parking because both types of students are getting their instruction off-site. 35% of the current student population attends class during the day, which starts and ends at different times. 25% of students attend evening classes, which also start and end at different time. Also, the College is notable for its small class sizes (1:16 ratio of faculty/students). Furthermore, shared parking on the Property lessens the demand for parking. Multiple uses exist on the Property with differing hours of operations, particularly on nights and weekends.

The Parking Study concludes that the proposed parking exceeds the Town's minimum requirements despite the maximum student enrollment and that there will be a surplus of parking.

Moreover, the continuation or reemergence of COVID-19 is likely to convert the day and night students into online students. Finally, in the case of Future Expansion, the Property Owner has submitted a site plan application for the development of a multi-level parking garage, which will offer the Property an additional surplus of parking spaces.

- VI. Traffic Generation, Hours of Operation, Noise Levels, and Outdoor Lighting:
A traffic analysis dated June 11, 2020 and prepared by McMahon Associates, Inc. ("Traffic Study") has been included with this application and reveals the following regarding traffic:



Table 1 Trip Generation

LAND USE	ITE CODE	INTENSITY	TRIP GENERATION RATE ⁽¹⁾	IN	OUT	TOTAL TRIPS		
						IN	OUT	TOTAL
DAILY								
APPROVED USE								
University/College	550	400 Students	T= 1.56 (X)	50%	50%	312	312	624
PROPOSED USE								
University/College	550	800 Students	T= 1.56 (X)	50%	50%	624	624	1,248
NET DIFFERENCE						312	312	624
AM PEAK HOUR								
APPROVED USE								
University/College	550	400 Students	T= 0.15 (X)	78%	22%	47	13	60
PROPOSED USE								
University/College	550	800 Students	T= 0.15 (X)	78%	22%	94	26	120
NET DIFFERENCE						47	13	60
PM PEAK HOUR								
APPROVED USE								
University/College	550	400 Students	T= 0.15 (X)	32%	68%	19	41	60
PROPOSED USE								
University/College	550	800 Students	T= 0.15 (X)	32%	68%	38	82	120
NET DIFFERENCE						19	41	60

(1) Source: ITE Trip Generation Manual, 10th Edition.

The purpose of the Traffic Study was to examine the traffic impacts of increasing the maximum student enrollment to 800 students compared to the previously approved maximum student enrollment of 400 students. As seen above, the comparison has resulted in an increase amounting to 624 daily trips 60AM peak hour trips and 60PM peak hour trips. This is equivalent to 1 additional vehicle per minute, which is not significant enough to adversely impact the traffic in this area. Because the IU-C zoning district is intended to serve high intensity uses, the School's hours of operations are compatible and will not adversely impact adjacent properties. The School's activities are contained in an enclosed facility, and thus does not produce any noise levels that would rise to the level of a nuisance. Finally, the School is proposed to be located in an existing building with outdoor lighting previously approved.

- VII. Alteration of Light and Air: This criterion is inapplicable. The School's activities are contained in an enclosed facility, and thus does not produce any alterations to light and air.



VIII. Setbacks and Buffers: This criterion is also inapplicable. The School is proposed to be located in an existing building with existing landscaping, setbacks, and buffers previously approved.

IX. Intensity: According to Code Section 13-619, the purpose of the BU-1A district is to provide for retail and service convenience facilities, which satisfy the essential and frequent needs of the adjacent residential neighborhood as well as the more specialized commercial facilities which may serve several neighborhoods. Code Section 13-635 states that the purpose of the BU-2 district is to provide for large-scale commercial and/or office facilities which service the needs of large urban areas. In comparison, Code Section 13-719 states that the purpose of IU-C is to provide for large industrial projects and industrial park developments, which produce a net gain to the community rather than an offensive or obnoxious impact. The Town's Code is clear that the IU-C zoning district was intentionally designed to accommodate high intensity uses. Applicant's Project is compatible in the IU-C and adjacent business districts because it is less intense than a large industrial project or industrial park development contemplated in the IU-C. Furthermore, a school use is not only a net gain to the community because it provides an essential need to residents of the Town, but also its operations are absent of any traditional nuisances (i.e., odors, smoke, vibration, etc.).

b. Sufficient site size, site specifications, and infrastructure to accommodate the proposed use. *The size and shape of the site, the proposed access and internal circulation, and the urban design must be adequate to accommodate the proposed scale and intensity of conditional use requested. The site shall be of sufficient size to provide adequate screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation, infrastructure and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.*

The proposed School will be located within an existing, multi-use building on the Property, whose space was previously occupied by same use. Thus, the Property is already well equipped to accommodate the proposed use. The Property is also well equipped to accommodate the proposed intensity for the following reasons: first, it is located in a zoning district designed for uses with much higher intensities, such as industrial uses that can generate noise and odors, hazardous uses such as explosives and fireworks, restaurants, auditoriums, car dealerships, hotels, hospitals, heliports, passenger/freight stations/terminals, motion picture/television studios, and zoos.



Second, the proposed maximum number of students on campus at any given time is well below the maximum occupancy load for the space leased by the Applicant. Third, there is surplus parking both provided parking as well as shared parking. As such, the Property can accommodate this type and intensity of use without any additional infrastructure modifications. The existing conditions of the site coupled with the newly proposed parking garage are sufficient to support the scale and intensity of the conditional use requested.

- c. **Compliance with the Comprehensive Plan and this chapter.** The conditional use shall comply with environmental, zoning, concurrency and other applicable regulations of this chapter, and shall be consistent with the Comprehensive Plan.*

The proposed School will comply with the environmental, zoning, concurrency, and other applicable regulations, and is consistent with the Comprehensive Plan.

- d. **Proper use of mitigative techniques.** The conditional use and site plan shall incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.*

The majority of the Property's surrounding area share the same land use and zoning as the proposed use, which is inherently compatible. Land uses and zoning districts differ in just the north and northwest adjacent properties, and yet are still compatible because their land uses are complimentary. Thus, all of the land uses and zoning districts surrounding the Property are harmonious with the proposed use. As previously mentioned throughout this justification, the School's activities are less intense than other permitted uses and are contained in an enclosed facility, thereby eliminating any potential for traditional nuisances. Also, the operations of the School and the demographics of the its student population lessen the demand for traffic and parking on site. Thus, the Traffic Study and Parking Study conclude that the Property is sufficient to accommodate the proposed use and thus not create an adverse impacts to adjacent properties in terms of traffic and parking.



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- e. **Hazardous waste.** No conditional use which generates hazardous waste or uses hazardous materials shall be located in the Town unless the specific location is consistent with the Comprehensive Plan and Land Development Code, and does not adversely impact wellfields, aquifer recharge areas, or other conservation resources, as may be applicable now or in the future. The proposed use shall not generate hazardous waste or require use of hazardous materials in its operation unless the Town Council, designated Town Board or Administrative Official, as applicable, approves conditions requiring mitigative techniques designed to prevent any adverse impact to the general health, safety and welfare. The mitigation plan and conditions imposed by the Town Council, designated Town Board or Administrative Official, as applicable, shall provide for appropriate identification of hazardous waste and hazardous material, and regulate its use, storage and transfer consistent with best management principles and practices as required by the appropriate permitting agencies.*

This criterion is inapplicable. This type of School use does not generate any hazardous waste or materials.

For all of the reasons enumerated above, the Applicant respectfully requests approval of its conditional use application to establish and operate a School on the Property in the IU-C zoning district pursuant to the Town's Code of Ordinances ("Code") Sections 13-303(c)(3) and (c)(4).



EXHIBIT A

Code Section 13-785(d) – Required Information. Applications for a nonpublic educational facility shall include the following information:

	<u>Required Information</u>	<u>Applicant Response Provided</u>
(1)	Total size of the site;	<u>Property:</u> +/- 147,588 square feet or +/- 10.71 acres <u>Square Footage leased by the College:</u> 39,971 square feet
(2)	Maximum number of students to be served;	800 (excluding online students) 1,200 (Subject to Future Expansion and excluding online students)
(3)	Number of teachers and administrative and clerical personnel;	74 employees (44 full-time and 30 part-time) ↳ 50 teachers (21 full-time and 29 part-time/adjunct) ↳ 24 administrators
(4)	Number of classrooms and total square footage of classroom space;	<u>Number of Classrooms:</u> 15 <u>Total Square Footage of Classroom Space:</u> 9,472
(5)	Total square footage of nonclassroom space;	Labs: 4,159 square feet Offices: 5,393 square feet Administration: 3,783 square feet Lecture Hall: 1,790 square feet
(6)	Amount of exterior recreational/play area in square footage;	Not applicable pursuant to Code Section 13-785(g)



(7)	Number and type of vehicles that will be used in conjunction with the operation of the facility;	Not applicable; the School does not utilize any type of School vehicle used in conjunction with the operation of the facility
(8)	Number of parking spaces provided for staff, visitors, and transportation vehicles, and justification that those spaces are sufficient for this facility;	200 (see parking study included with this application submittal)
(9)	Grades or age groups that will be served;	Postsecondary (ages 18 and up)
(10)	Days and hours of operations;	Monday – Friday / 7:45am – 11:00pm Saturday / 8:30am – 5:30pm
(11)	Means of compliance with requirements by the Miami-Dade County Fire Department, Miami-Dade County Department of Public Health, the Department of Health and Rehabilitative Services, and any federal guidelines applicable to the specific application.	Applicant will comply with all city, county, and state requirements as applicable and pursuant to the licensing requirements for private colleges.
(12)	Graphic Information, less than 50 students.	This provision is not applicable because Applicant serves more than 50 students.
(13)	Graphic information, 50 or more students. The following graphic information shall be prepared by design professionals, such as registered Florida architects and landscape architects, for proposed facilities with 50 or more students. a. A plan indicating existing zoning on the site and adjacent areas. b. A site plan indicating the following: 1. Location of all structures;	Included in this conditional use application submittal are the following: <ul style="list-style-type: none"> • Site Plan; • Floor Plan of College only; and • Landscape Plan.



K E I S E R L E G A L

	<ul style="list-style-type: none">2. Parking layout and drives;3. Walkways;4. Location of recreation areas and play equipment which shall include surrounding fences and/or walls;5. Any other features which can appropriately be shown in plan form. <ul style="list-style-type: none">c. Floor plans and elevations of all proposed structures.d. Landscape development plan listing quantities, size, and names of all plants in accordance with Chapter 18A of the Code [of Miami-Dade County].	
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