

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: June 23, 2020

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB20-0372. Wolfsonian Arts District – LDRs.**

PB20-0372. Wolfsonian Arts District. An Ordinance of the Mayor and City Commission of the City of Miami Beach, Florida, amending the Code of the City of Miami Beach, Subpart B, entitled "Land Development Regulations," by amending Chapter 142 of the City Code, entitled "Zoning Districts and Regulations," Article II, entitled "District Regulations," Division 5, entitled "CD-2 Commercial, Medium Intensity District," by amending Section 142-309, entitled "Washington Avenue Development Regulations and Area Requirements," creating Section 142-309.1, entitled "Wolfsonian Arts District," to create development regulations (including floor area ratio, height, and setback regulations) applicable to cultural institutions; and providing for repealer, severability, codification, and an effective date.

RECOMMENDATION

Transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

BACKGROUND

On May 13, 2020, at the request of Commissioner David Richardson, the City Commission referred the item to the Land Use and Sustainability Committee (LUSC) and the Planning Board (Item C4B).

On May 26, 2020, the LUSC recommended that the Planning Board transmit the proposal to the City Commission with a favorable recommendation.

REVIEW CRITERIA

Pursuant to Section 118-163 of the City Code, in reviewing a request for an amendment to these land development regulations, the board shall consider the following when applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

Partially Consistent – The proposed ordinance is consistent with the goals, objectives, and policies of the Comprehensive Plan as proposed to be amended.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

Not applicable – The proposed amendment does not modify district boundaries.

3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

Consistent - The proposed ordinance amendment is not out of scale with the surrounding neighborhood.

4. **Whether the proposed change would tax the existing load on public facilities and infrastructure.**

Consistent – The proposed ordinance should not affect the load on public facilities and infrastructure.

5. **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

Not applicable. – The proposed amendment does not modify district boundaries.

6. **Whether changed or changing conditions make the passage of the proposed change necessary.**

Consistent – The need to improve the cultural offerings of the Wolfsonian makes passage of the proposed change necessary.

7. **Whether the proposed change will adversely influence living conditions in the neighborhood.**

Consistent – The proposed ordinance amendment will not adversely affect living conditions in the neighborhood, as it does not result in an increase in the number of nonconforming uses.

8. **Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

Consistent – The proposed change should not excessively increase traffic congestion from what is currently permitted.

9. **Whether the proposed change will seriously reduce light and air to adjacent areas.**

Consistent – The proposed change will not seriously reduce light and air to adjacent areas.

10. **Whether the proposed change will adversely affect property values in the adjacent area.**

Consistent – The proposed change should not adversely affect property values in the adjacent areas.

- 11. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

Consistent – The proposed change should not be a deterrent to the improvement or development of properties in the City.

- 12. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

Not applicable.

- 13. Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

Not applicable.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(b) of the Land Development Regulations establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

- (1) Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.**

Partially Consistent – The proposal does affect areas that are vulnerable to the impacts of sea level rise in the long term.

- (2) Whether the proposal will increase the resiliency of the City with respect to sea level rise.**

Consistent – The proposal will not affect the resiliency of the City with respect to sea level rise.

- (3) Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.**

Consistent – The proposal does not diminish and is compatible with the City's sea level rise mitigation and resiliency efforts.

ANALYSIS

In November 2004, as part of the Building Better Communities General Obligation Bonds (BBC-GOB), Miami-Dade County voters approved 10 million dollars for The Wolfsonian-FIU to add 25,000 square feet of new publicly accessible space. As a result, the Wolfsonian-FIU is proposing a renovation and expansion of its existing Museum at 1001 Washington Avenue. Due to the amount of floor area used for the main structure in the early 1990's, coupled with the citywide downzoning in the late 1990's, the site of the Wolfsonian-FIU is legal non-conforming in terms of allowable FAR. In order to accommodate this request, the Wolfsonian-FIU is seeking the following amendments:

1. A companion comprehensive plan amendment to establish the Wolfsonian Arts District on the future land use map and increase the FAR within the district.

2. The subject LDR amendment establishing the Wolfsonian Arts District to increase the maximum FAR to 3.5 and modify development regulations.

The request for increasing the FAR a is affected by the following City Charter provision: Sections 1. 03 (c), which partially states:

The floor area ratio of any property or street end within the City of Miami Beach shall not be increased by zoning, transfer, or any other means from its current zone floor area ratio as it exists on the date of adoption of this Charter Amendment(November 7, 2001), including any limitations on floor area ratios which are in effect by virtue of development agreements through the full term of such agreements, unless such increase in zone floor area ratio for any such property shall first be approved by a vote of the electors of the City of Miami Beach.

Since the current FAR limitation is 1.5, the increase to 3.25 would be subject to voter approval in a general referendum.

Additionally, the proposed ordinance amends the development regulations within the Wolfsonian Arts District. Specifically, the ordinance modifies the front, rear, and side setbacks to 0 feet. The ordinance also increases the height limit from 55 feet to 75 feet. The existing Washington Avenue regulations allow for heights up to 75 feet but only on lots with a width greater than 100 feet. The proposed height is therefore consistent with the allowable heights within the vicinity.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

Aerial



0 25 50 100 Feet
[Scale bar]



Location:
East side of Washington Avenue
between 10th and 11th Streets

WOLFSONIAN ARTS DISTRICT – LDR

Ordinance No. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 142 OF THE CITY CODE, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 5, ENTITLED "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," BY AMENDING SECTION 142-309, ENTITLED "WASHINGTON AVENUE DEVELOPMENT REGULATIONS AND AREA REQUIREMENTS," CREATING SECTION 142-309.1, ENTITLED "WOLFSONIAN ARTS DISTRICT' TO ADOPT FLOOR AREA RATIO, HEIGHT, AND SETBACK REGULATIONS PERTAINING TO A UNIQUE CULTURAL INSTITUTION; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

WHEREAS, Miami Beach native Mitchell Wolfson Jr. amassed a world-class collection of artifacts, collectibles, and art that traces society's transition during one of the greatest periods of growth and change humanity has ever known between 1850 and 1950, commonly referred to as the Modern Age; and

WHEREAS, the collection was originally stored and amassed in the Washington Storage Company building, a Mediterranean Revival building constructed in 1927 that is a beacon of history and culture in Miami Beach; and

WHEREAS, Mitchell Wolfson Jr. founded the Wolfsonian Foundation, which purchased the former Washington Storage Company building to showcase the collection for the benefit of the public, and to attract researchers and scholars from around the world to Miami Beach; and

WHEREAS, in 1992 renowned architects Mark Hampton and William Kearns masterfully renovated and expanded the Washington Storage Company building as a state-of-the-art museum and research center to serve as an iconic landmark of Miami Beach's historic Art Deco District (hereinafter referred to as the "Wolfsonian"); and

WHEREAS, in 1997 the Wolfsonian was generously gifted to Florida International University, which greatly increased opportunities for community engagement, as well as expanded the Wolfsonian and Florida International University's cultural and scholarly influence; and

WHEREAS, in 2009 and 2012 the Wolfsonian was recognized as a world-class cultural institution and awarded grants from the Andrew W. Mellon Foundation and James L. Knight Foundation to expand access to the collection and increase cultural enrichment opportunities both physically and online; and

WHEREAS, the City of Miami Beach seeks to enrich and sustain cultural institutions such as the Wolfsonian that solidify Miami Beach as a center of history, culture, and design; and

WHEREAS, in order to expand its programs, including children's and education programs, increase community and scholarly engagement with the arts, encourage greater online and physical access, and grow the collection, the Wolfsonian seeks to renovate and expand its prized Washington Avenue building; and

WHEREAS, the previous expansion and renovation that permitted the proliferation of the Wolfsonian as an influential cultural institution in combination with the zoning regulations applicable to the property depleted the development rights available for the planned and funded future expansion of the Wolfsonian; and

WHEREAS, the City previously created development regulations specific to Washington Avenue pursuant to the input and recommendations of the Mayor's Washington Avenue Blue Ribbon Task Force; and

WHEREAS, consistent with the City's efforts the Wolfsonian has contributed to the locally designated Historic District and the improvement of conditions on Washington Avenue; and

WHEREAS, the proposed expansion of the Wolfsonian presents a unique opportunity for the City to encourage engagement with the City's historic and artistic roots; and

WHEREAS, the Wolfsonian property is located within the CD-2 District that fronts on the east side of Washington Avenue and is uniquely situated to serve as the Wolfsonian Arts District; and

WHEREAS, the proposed zoning regulations applicable to the Wolfsonian Arts District will allow for increased Floor Area Ratio and modified setback requirements to reflect the unique opportunity for enhancement of a thriving cultural institution; and

WHEREAS, the proposed zoning regulations applicable to the Wolfsonian Arts District will not impact the surrounding properties and will incentivize establishment of arts and cultural institutions in the City; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. Chapter 142, "Zoning Districts and Regulations," at Article II, entitled "District Regulations," at Division 5, entitled "Commercial Medium Intensity District" of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

**CHAPTER 142
ZONING DISTRICTS AND REGULATIONS**

* * *

ARTICLE II

DISTRICT REGULATIONS

* * *

DIVISION 5 COMMERCIAL MEDIUM INTENSITY DISTRICT

* * *

Sec. 142-309.1 – The Wolfsonian Arts District

(B). The following regulations shall apply to properties that front Washington Avenue between 10th Street and 11th Street; where there is conflict within this division, the criteria below shall apply:

- (1) The purpose of these regulations is to enrich and sustain a long-standing cultural institution that preserves history and offers educational opportunities to the residents of the City.
- (2) The maximum Floor Area Ratio shall be 3.0 on the east side of Washington, specifically on Lots 9, 10, 11, 12, and 13, within Block 30, of the plat of Ocean Beach Addition No. 2, recorded in Plat Book 2, Page 56, of the Public Records of Miami-Dade County.
- (3) The maximum building height shall be 75 feet.
- (4) The setbacks shall be as follows:
 - a. Front:
 - i. Subterranean: Zero feet.
 - ii. Ground level: Zero feet.
 - b. Rear:
 - i. Subterranean: Zero (0) feet.
 - ii. Ground level: Zero (0) feet.
 - c. Side, facing a street:
 - i. Subterranean: Zero (0) feet;
 - ii. Ground level: Zero (0) feet
 - d. Side, interior:
 - i. Subterranean: Zero (0) feet;
 - ii. Nonresidential uses: Zero (0) feet;

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Miami Beach City Code. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect on the _____ day of _____ 2020.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO FORM
AND LANGUAGE
AND FOR EXECUTION

City Attorney

Date

First Reading: , 2020

Second Reading: , 2020

Verified by: _____
 Thomas R. Mooney, AICP
 Planning Director