

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: **PB20-0359. Comprehensive Plan Amendment – PF Public-Private Redevelopment.**

PB20-0359. Comprehensive Plan Amendment – PF Public-Private Redevelopment. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE RESILIENT LAND USE AND DEVELOPMENT ELEMENT, GOAL RLU 1 ENTITLED "LAND USE", OBJECTIVE RLU 1.1 ENTITLED "ESTABLISHMENT OF FUTURE LAND USE CATEGORIES", POLICY RLU 1.1.17 ENTITLED "PUBLIC FACILITY: GOVERNMENTAL USES (PF)" TEXT TO ALLOW FOR PUBLIC-PRIVATE DEVELOPMENT OF CITY-OWNED PROPERTY; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

RECOMMENDATION

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

BACKGROUND

On March 18, 2020, at the request of Mayor Dan Gelber, the City Commission referred the item to the Land Use and Sustainability Committee (Item C4 V). The item was simultaneously referred to the Planning Board.

On May 6, 2020 the Land Use and Sustainability Committee (LUSC) discussed the item and continued it to the May 26, 2020 LUSC agenda. On May 26, 2020 the LUSC recommended that the Planning Board transmit the item to the City Commission with a favorable recommendation.

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 improve 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 is compatible with and supports the City's sea level rise mitigation and resiliency efforts.

ANALYSIS

The current lessee of the Miami Beach Marina is proposing a public private partnership with the City of Miami Beach to renegotiate the lease of the facility and make significant improvements to the property. The proposal requires several companion items, including the following:

- An amendment to the C-PS4 district within the Land Development Regulations;
- A lease agreement;
- Sale of development site and air parcel for a private residential development;
- Approval of a development agreement;
- Vacation of the western half of the Alton Road ROW abutting the parcels located at 300-344 Alton Road.
- A Comprehensive Plan amendment to the PF future land use category.

The Public Facility (PF) Governmental Use land use designation in the 2040 Comprehensive Plan is intended to provide opportunities for existing and new governmental uses of City owned or controlled property. The lessee of the Miami Beach Marina is proposing substantial capital improvements to the Miami Beach Marina including significant enhancements to the marina facilities addressing resiliency, sea level rise, other needed capital improvements, and redevelopment of the upland portion of the marina. Additionally, the proposed extension of the marina lease would significantly improve the lease terms and deliver additional public benefits.

This initiative requires an amendment to the PF land use designation text, in order to allow for a public-private development agreement to govern and regulate upland development of the City-owned marina property. In this regard, the following text amendment is proposed:

POLICY RLU 1.1.17 PUBLIC FACILITY: GOVERNMENTAL USES (PF)

Purpose: To provide development opportunities for existing and new government uses, as well as public-private redevelopments.

Uses which may be permitted: Government uses, parking facilities, affordable or workforce housing, various types of commercial uses including business and professional offices, retail sales and service establishments, and eating and drinking establishments, and public-private marina redevelopments.

Public-private marina redevelopments shall include significant publicly accessible green open space and may permit the following uses: Retail sales and service establishments;

commercial uses, including business and professional offices; eating and drinking establishments; apartment residential uses; and recreational uses.

The proposed amendment allows for public-private marina redevelopments as a main permitted use. This use allows for a variety of sub-uses which are expected to fund the resiliency improvements that must be made to such a site. Additionally, the amendment requires that significant amounts of open space be incorporated into public-private marina development.

The zoning designation of the site is GU, which requires City Commission approval for any development proposal. Additionally, for private or joint government/private, such as this, Planning Board review is required.

As the proposal will allow for resiliency enhancements to be built on the site, it is consistent with Principle 1 of the Resilient Land Use Element of the 2040 Comprehensive Plan, which states the following:

PRINCIPLE 1: DEVELOPING A RESILIENT FUTURE

The City shall encourage redevelopment that contributes to community resiliency by meeting all required peril of flood mitigation and storm hazard standards for on-site development and shall also prioritize energy efficient development that provides stormwater mitigation, and co-benefit features that contribute to the City's resiliency as a whole.

Additional data and analysis is attached to this report as follows:

- Exhibit A – Civil Engineering Report
- Exhibit B – Environmental Report
- Exhibit C – Traffic Report
- Exhibit D – Economic Report

COMPREHENSIVE PLANNING REVIEW PROCESS

This referral includes a text amendment to Objective 1 of the Future Land Use Element of the Comprehensive Plan. Under Sections 163.3184(2), F.S., this amendment shall follow the expedited state review process for adoption of comprehensive plan amendments. This process requires a public hearing by the local planning agency (Planning Board), a public transmittal hearing before the City Commission, after which the amendment must be transmitted to several state agencies for a 30-day review period, and a final adoption public hearing before the City Commission. The amendment is effective 31-days after it is adopted if there are no appeals.

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.

Comprehensive Plan Amendment – PF Public-Private Redevelopment

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE RESILIENT LAND USE AND DEVELOPMENT ELEMENT, GOAL RLU 1, ENTITLED “LAND USE,” OBJECTIVE RLU 1.1, ENTITLED “ESTABLISHMENT OF FUTURE LAND USE CATEGORIES,” POLICY RLU 1.1.17, ENTITLED “PUBLIC FACILITY: GOVERNMENTAL USES (PF),” TO PERMIT PUBLIC-PRIVATE MARINA REDEVELOPMENT AND RELATED USES ON PUBLIC PROPERTY; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Public Facility (PF) Governmental Use land use designation in the 2040 Comprehensive Plan is intended to provide opportunities for existing and new governmental uses of City-owned or controlled property, such as the Miami Beach Marina; and

WHEREAS, the Mayor and City Commission desire to encourage the redevelopment of City-owned marina property; and

WHEREAS, the Mayor and City Commission now desire to amend the regulations in the Comprehensive Plan applicable to the PF future land use designation, in order to encourage the public-private redevelopment of aging facilities, and to provide additional public benefits; and

WHEREAS, by requiring public-private marina redevelopments to include significant publicly accessible green and/or open space, the proposed amendments will promote the City’s resiliency and address the impacts of sea level rise, consistent with the goals of the 2040 Comprehensive Plan; and

WHEREAS, the proposed amendment was reviewed and recommended for approval by the City’s Planning Board, which serves as its local planning agency; and

WHEREAS, the proposed amendment is consistent with the City’s 2040 Comprehensive Plan.

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

POLICY RLU 1.1.17 PUBLIC FACILITY: GOVERNMENTAL USES (PF)

Purpose: To provide development opportunities for existing and new government uses, as well as public-private redevelopments.

Uses which may be permitted: Government uses, parking facilities, affordable or workforce housing, various types of commercial uses including business and professional offices, retail sales and service establishments, ~~and~~ eating and drinking establishments, and public-private marina redevelopments.

Public-private marina redevelopments shall include significant publicly accessible green and/or open space and may permit the following uses: Retail sales and service establishments; commercial uses, including business and professional offices; eating and drinking establishments; apartment residential uses; and recreational uses.

Intensity Limits: Intensity may be limited by such set back, height, floor area ratio and/or other restrictions as the City Commission acting in a legislative capacity determines can effectuate the purpose of this land use category and otherwise implement complementary public policy. However, in no case shall the intensity exceed a floor area ratio of 3.5.

SECTION 3. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith are hereby repealed.

SECTION 4. CODIFICATION.

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

SECTION 5. SEVERABILITY.

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

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this ____ 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: June 24, 2020

Second Reading: July 29, 2020

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