

# MIAMI BEACH

## PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: August 25, 2020

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **PB20-0367. 4000 Alton Road. Rezoning from GU (government use) to RM-2 (Residential multifamily, medium intensity).**

An Ordinance of the Mayor and City Commission of the City of Miami Beach, Florida, amending the official zoning district map, referenced in Section 142-72 of the Code of the City of Miami Beach, Florida, by changing the zoning district classification for the parcel abutting 4000 Alton Road and fronting 41st Street/Interstate 195, from the current zoning classification of GU, "Governmental Use," to the proposed zoning classification of RM-2, "Residential multifamily, medium intensity"; and providing for codification; repealer; severability; and an effective date.

### **RECOMMENDATION**

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

### **BACKGROUND**

On October 16, 2019, at the request of Commissioners Michael Gongora and Ricky Arriola, the City Commission referred a discussion item to the Land Use and Development Committee (Item C4 T), pertaining to RM2 zoning regulations for 4000 Alton Road. The item was placed on the January 21, 2020 agenda of the newly created Land Use and Sustainability Committee (LUSC), and deferred to February 18, 2020, at the request of the proposer.

On February 18, 2020, the item was deferred to March 17, 2020, also at the request of the proposer. The March 17, 2020 LUSC meeting was postponed, and the item was moved to the May 6, 2020 LUSC agenda. On May 6, 2020 the LUSC discussed the proposal and recommended that the City Commission refer the attached ordinance to the Planning Board. On May 13, 2020, the City Commission referred the ordinance to the Planning Board (Item C4 C). Subsequent to this referral, Commissioner Michael Gongora withdrew as a co-sponsor.

The item was noticed for the June 23, 2020 Planning Board agenda; at the request of the proposer, the item was continued to the July 27, 2020 Planning Board meeting. On July 27, 2020, at the request of the proposer, the item was continued to the August 25, 2020 Planning Board meeting.

### **ZONING / SITE DATA**

Legal Description:

See Exhibit A.

Site Area:	17,680 SF /0.406 acres
Existing Zoning Designation:	GU Government Use District
Proposed Zoning Designation:	RM-2 Residential Multifamily, Medium Intensity
Existing FLUM Category:	Public Facility: Governmental Use (PF)
Proposed FLUM Category:	Medium Density Multi Family Residential (RM-2)
Maximum Density:	100 units per acre (41 units)
Maximum FAR:	2.0 (35,360 SF)
Existing Land Uses:	
North:	I-195/Single Family Residential
East:	Talmudic University
South:	Alton Road/Single Family Residential
West:	I-195

### **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.**

**Consistent** – The proposed amendment will be an extension of an existing RM-2 district.

- 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 will not affect the load on public facilities and infrastructure as the maximum FAR is not modified.

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

**Consistent** – As the land subject to change will no longer be government-owned, the GU district boundary would be illogically drawn.

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

**Consistent** – The changing of the ownership of the property from government to private uses 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.

**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 will not create or 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.**

**Consistent** – As the property will not be government-owned, the property will not be able to serve for government uses.

**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 improve the resiliency of the City with respect to sea level rise by allowing for new development that is more resilient.

**(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 owner of the subject property, “M 4000 Alton Owner LLC c/o M-4000 Alton MGR, LLC” is in the process of acquiring an additional 0.406 acres of surplus land from FDOT. In order to accommodate this additional property and combine it with the existing site, the proposer is seeking the following land use amendments:

1. A re-zoning of the current FDOT parcel from GU, “Government Use” to RM-2, “Residential Multifamily, Medium Intensity”.
2. A companion Future Land Use Map (FLUM) amendment to change the future land use designation of the parcel from the current Public Facilities: Government Use (PF) category to the Residential Multifamily Medium Intensity (RM-2) category.
3. An LDR amendment to establish the “Julia Tuttle Causeway District,” which would incorporate specific development regulations for the area abutting the west side of Alton Road and the south side of 41st Street/Interstate 195.

The proposed re-zoning amendment will allow for the parcel to be combined with the abutting RM-2 parcel and form a unified development site. The proposed ordinance does not represent an increase in density or intensity, since the development regulations of the GU district are based on the surrounding districts, which in this case is RM-2. The addition of the subject parcel to the existing development site will not result in an increase in maximum allowable density. The subject parcel (17,680 SF) would allow for an additional 35,360 square feet of FAR and approximately 35 additional residential units.

Finally, before the item can be placed on the agenda of the City Commission for first reading, the proposer must substantiate that the transaction to purchase the subject parcel from FDOT is either moving forward or has been effectuated. To date the City has not been provided with anything substantive from FDOT indicating that the transaction is imminent.

**CITY CHARTER ISSUES**

The request for changing the Zoning Map of the City, as well as the Future Land Use Map of the City’s Comprehensive Plan 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.*

In review of the floor area ratio limitation on the subject parcels, which are currently zoned GU (Government Use), the following applies:

*Sec. 142-425 (a). Development regulations.*

*The development regulations (setbacks, floor area ratio, signs, parking, etc.) in the GU government use district shall be the average of the requirements contained in the surrounding zoning districts as determined by the planning and zoning director, which shall be approved by the city commission.*

The abutting zoning of the subject parcels, which is used to calculate the FAR of the parcels, is RM-2, which has a maximum FAR of 2.0. As the proposed zoning change to RM-2 does not increase the maximum allowable FAR for the subject parcels, the requested amendment complies with the requirements of the referenced Charter provision, subject to City Commission approval.

#### **INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING**

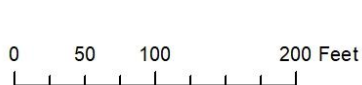
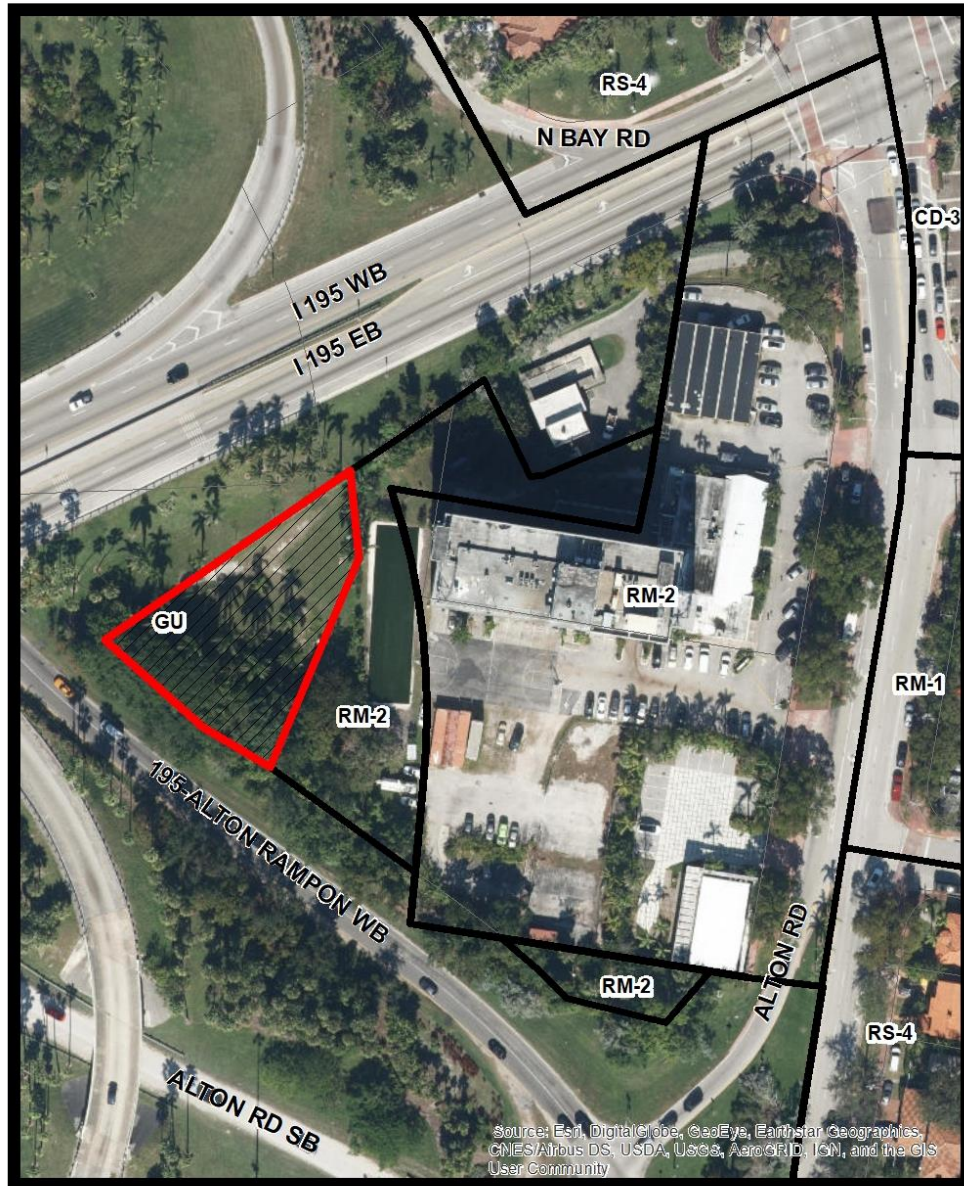
The 2005 Florida Legislature adopted laws which are incorporated in the Florida Statutes, requiring each local government to adopt an intergovernmental coordination element as part of their comprehensive plan, as well as a statutory mandate to implement public school concurrency. The RM-2 future land use category allows a density of 100 units per acre. The lot area of the affected by the proposed change is 0.406 acres. Based upon this data, the maximum number of units that could be developed for this area is 40.6 units. The maximum density in the PF district, is based on the surrounding districts, therefore, this does not represent a density increase.

Once a development proposal is submitted, final site plan approval is contingent upon meeting Public School Concurrency requirements and the applicant will be required to obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools prior to the development obtaining final site plan approval. Such Certificate will state the number of seats reserved at each school level. In the event sufficient seats are not available, a proportionate share mitigation plan shall be incorporated into a tri-party development agreement and duly executed prior to the issuance of a Building Permit.

#### **RECOMMENDATION**

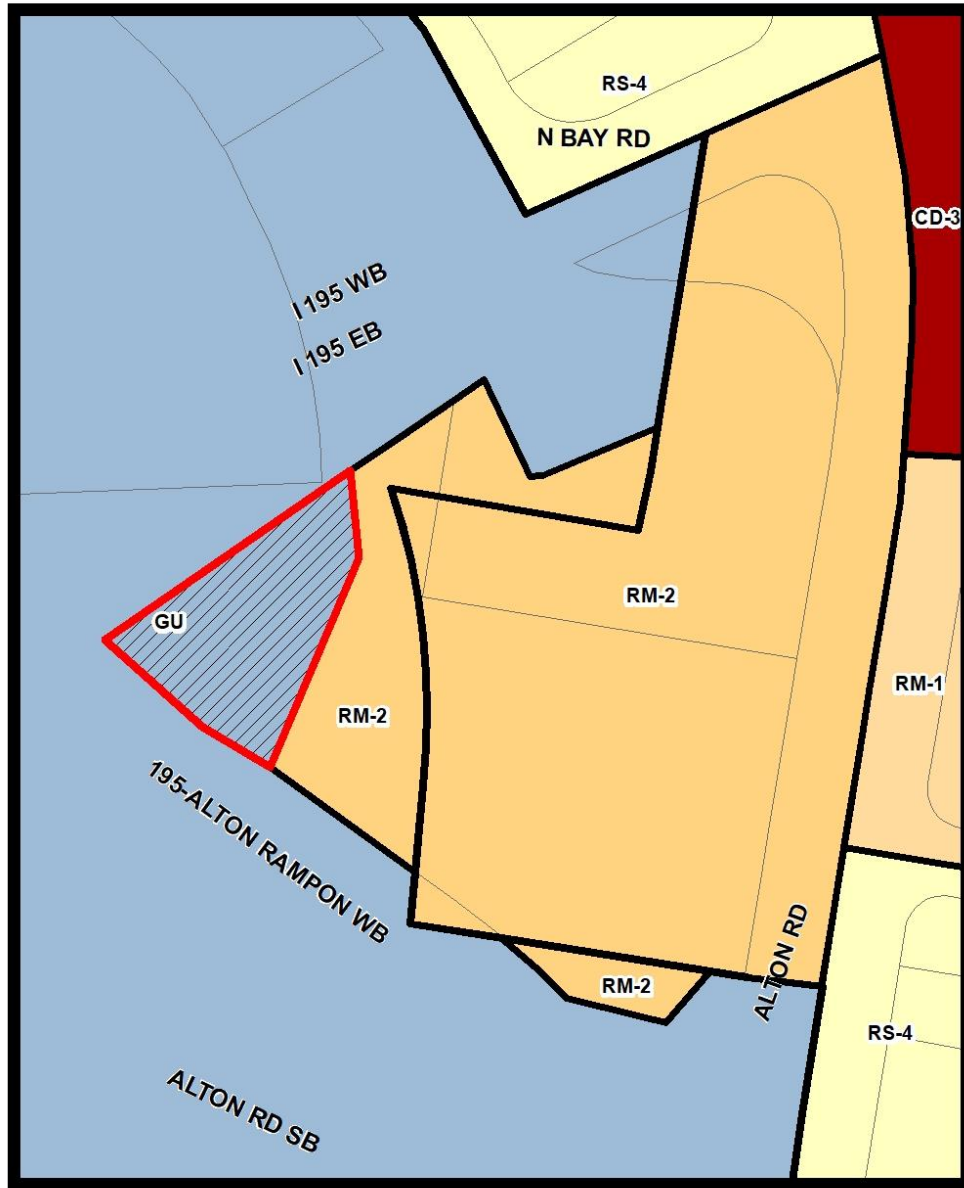
In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

## Aerial



**Location: Generally south of I-195/Julia Tuttle Cswy. and west of Alton Rd.**

## Current Zoning

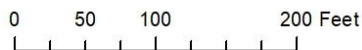
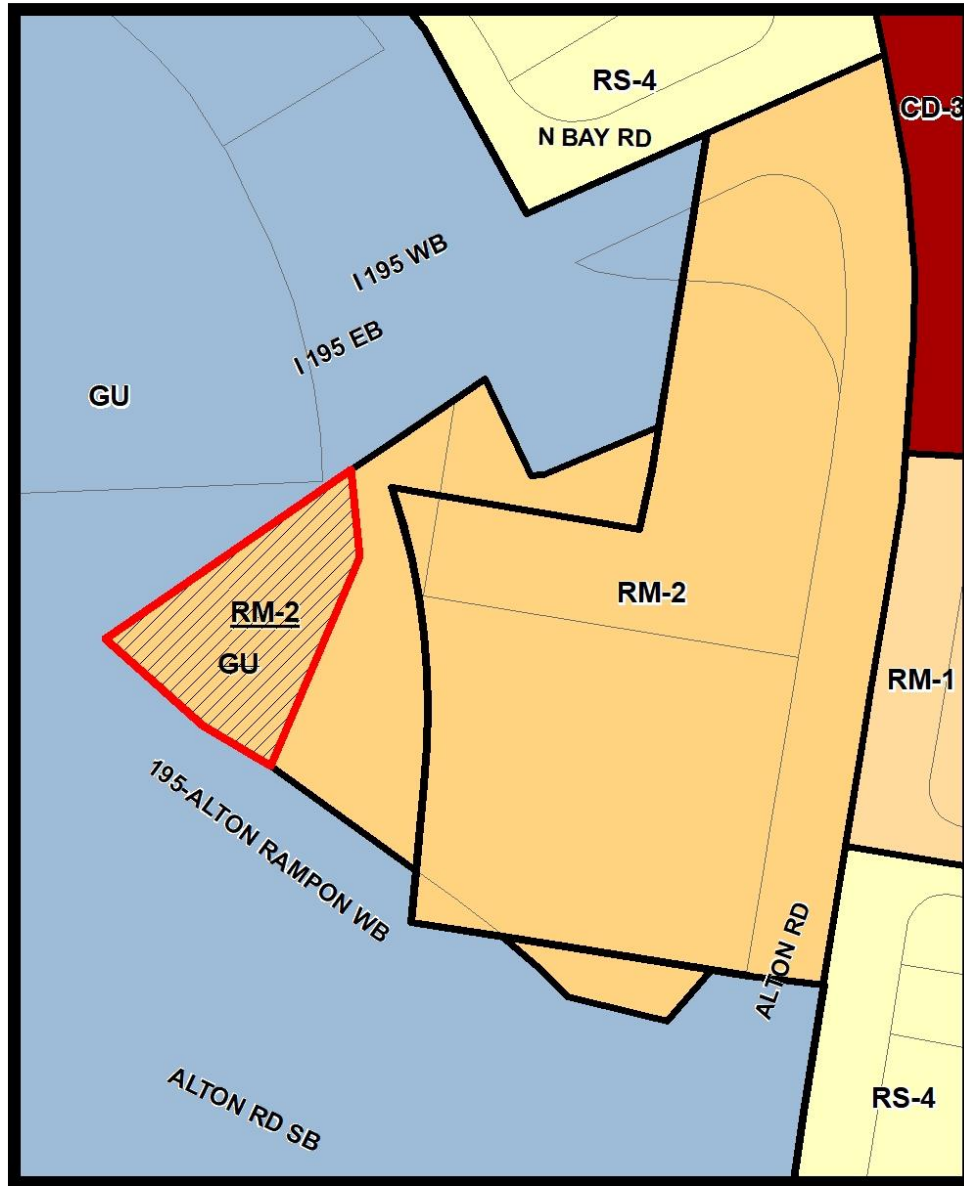


0 50 100 200 Feet



Location: Generally south  
of I-195/Julia Tuttle Cswy.  
and west of Alton Rd.

## Proposed Zoning



Location: Generally south  
of I-195/Julia Tuttle Cswy.  
and west of Alton Rd.