

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: **PB20-0369. 4000 Alton Road. LDR Amendments for properties that front the west side of Alton Road and the Julia Tuttle Causeway.**

An Ordinance of the Mayor and City Commission of the City of Miami Beach, Florida, amending the Code of the City of Miami Beach, at 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 3, entitled "Residential multifamily districts," Sub-division IV, entitled "RM-2 Residential multifamily, medium intensity," creating Section 142-220, entitled, "Additional regulations for properties that front the west side of Alton Road and the Julia Tuttle Causeway," to create zoning regulations for properties located within such area; providing for codification; repealer; severability; and an effective date.

RECOMMENDATION

Discuss and continue the proposed LDR amendments to a date certain of September 22, 2020.

HISTORY

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.

BACKGROUND

On February 12, 2014, the City Commission adopted ordinance 2014-3839, which increased the height limit from 60 feet to 85 feet for the area fronting the west side of Alton Road between Arthur Godfrey Road and West 34th Street (Talmudic University site). There was a companion future land use map and zoning map amendment to expand the RM-2 area, as the Talmudic University had acquired surplus land from the Florida Department of Transportation (FDOT).

This amendment was intended to facilitate the development of a vacant area on the Talmudic University site, as well as to fund improvements to the site. On March 4, 2014, the Design Review Board (DRB) approved the development of an 8-story, 72-unit, residential building; this project was never constructed.

In 2015, a private application was filed by the current proposer, to increase the maximum allowable height on the site from the existing 8 stories / 85 feet to 15 stories / 150 feet. The Planning Board did not recommend in favor of this height increase and the administration recommended denial when the proposal came before the City Commission. The applicant subsequently withdrew the application and it did not move forward.

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 would be consistent with the goals, objectives, and policies of the Comprehensive Plan, subject to adequate water management elements proffered by the property owner.

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

Consistent – The proposed amendment will be part of 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.**

Partially Consistent - The proposed ordinance amendment will allow for taller development than what is in the vicinity.

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.**

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

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

Partially Consistent – The need to allow for redevelopment of the site that improves the resiliency of the City makes passage of the proposed change necessary.

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

Partially Consistent – The proposed ordinance amendment will not adversely affect living conditions in the neighborhood if additional modifications are incorporated.

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, as the FAR is not being modified.

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

Partially Consistent – The proposed change may somewhat reduce light and air to adjacent areas if appropriate modifications are not incorporated.

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.**

Partially Consistent – The property could be developed with the existing zoning regulations.

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. The property owner has proffered specific infrastructure improvements.

(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 and providing for the development of stormwater infrastructure.

(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 addition of the subject parcel to the existing development site will not result in an increase in maximum allowable density or intensity. The subject parcel (17,680 SF) would allow for an additional 35,360 square feet of floor area based upon the current maximum FAR of 2.0 and approximately 35 additional residential units.

Also, before the companion re-zoning and FLUM items 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.

The Since the referral of the item by the City Commission on May 13, 2020, the proposer has revised the LDR ordinance significantly. The following is a summary of the proposed LDR amendments that would establish additional regulations for RM-2 properties that front the west side of Alton Road and the Julia Tuttle Causeway:

1. Increase the maximum building height from 85 feet to 140 feet.
2. Increase the height of allowable height exceptions from 20 feet to 30 feet.
3. Structures exceeding 85 feet in height will have a minimum setback of 100 feet from Alton Road.
4. Establish rear and side setbacks of 10 feet; however, habitable encroachments and decorative features may encroach into the setback up to 5 feet, above a height of 15 feet.
5. Establish a maximum floor plate size for the tower portion of the building of 30,000 square feet; however, the Design Review Board (DRB) may increase to 45,000 square feet in accordance with design review criteria
6. Provide that the residential liner requirement for floors containing parking only apply to the frontage facing Alton Road.
7. Require that new development install green infrastructure, such as bioswales, permeable pavements, and native vegetation to manage stormwater. It also requires that 100 percent of its own irrigation be through the installation of a cistern or other best practices.
8. Provide that the benefits of the ordinance only be available on sites that are over 60,000 square feet as of the adoption date of the ordinance.

The large setback from Alton Road is intended to reduce the impact of a taller building on the single-family residential area to the east. Due to the expanded setback, a large open space would be created on the east side of the site which would enhance the resiliency of the project.

While supportive of the companion rezoning and FLUM amendments proposed, Planning staff does have concerns with the proposed LDR amendments, in particular the proposed increase in height and details of the sustainability components. The following is a summary of each of these concerns:

Height

The current height limit of 85' was established in 2014, after careful consideration and evaluation of the site and surrounding context. In this regard, the following is noted:

- The existing height limit of 85 feet is consistent with the current and potential future built context of the higher density areas next to and adjacent to the Talmudic University site. These include the CD-3 Commercial Corridor along 41st Street. Additionally, by way of context, the existing Talmudic University building on the subject site is 72 feet tall.

- Allowing a higher height for the proposed site could set a precedent for future efforts to increase maximum building heights, particularly along 41st Street. In this regard, the aggregation of lots in the CD-3 district could result in higher FAR maximums (2.25 v. 2.75), thus making a height increase proposal more attractive in order to accommodate higher FAR.
- Along the west side of the City, from the northern boundary of Sunset Harbor all the way to the northern end of North Bay Road, there exists a defined scale of smaller buildings. The only exception to this is the Mt. Sinai campus. The HD district in which Mt. Sinai is located has a maximum height limit of 150 feet, and a maximum height limit of 100 feet within 500 feet of a residential district. Although the proposal to increase the height limit on the subject site 140 feet would be compatible with interior buildings on the Mt. Sinai complex, it is higher than those to the east along 41st Street.

Sustainability

The proposed code amendment includes a provision that new development be required to install green infrastructure, such as bioswales, permeable pavements, and native vegetation to manage stormwater and also requires that they provide 100 percent of their own irrigation through installation of a cistern or other best practices. Additionally, the property owner has voluntarily proffered to build five wells on the site for use by the City and to provide the infrastructure for the City to connect to them at the edge of their property. The property owner has further indicated that those wells would be able to handle the stormwater from the residential neighborhood to the east that is bounded by 41st Street to the north and the Biscayne Waterway.

Planning staff has evaluated the proposal with the Public Works Department and has identified the following pieces of infrastructure that are still necessary to connect the injection wells to the existing drainage area bounded by Alton Road, 41st Street & the Biscayne Waterway:

- Construction of a pump station.
- Connecting pipes to the existing drainage system for the aforementioned drainage area.
- Providing a passive relief structure.
- Connecting the passive relief structure to an existing 54" stormwater pipe along the west side of the property.
- Design and construction of all items above to accommodate future conditions.

The additional infrastructure would allow the City to place the five proposed injection wells into operation soon after they are constructed. In turn, this could represent a significant public benefit that could only be realized by creating additional open space on this site. This additional open space would be created by relocating allowable FAR within a taller structure.

The applicant has not yet agreed to this additional infrastructure and is currently undertaking an economic study to determine the cost of providing it. The study is expected to be complete in the coming weeks and prior to consideration of the ordinance by the City Commission. Notwithstanding, staff believes that such infrastructure is a critical component of the enhanced water management benefits that would result from the proposed increase in building height. As such, it should be made part of a more complete proffer from the property owner.

SUMMARY

Planning staff has had several meetings with the developer's team, and the overall proposal has been reviewed within the larger context of trying to create additional open space that will provide significant, long term water management benefits. Planning staff has also done its own internal analysis and concluded that allowable FAR can be easily accommodated at the current height limit of 85 feet and with the current minimum setbacks. By meeting the minimum setbacks alone, a generous amount of perimeter open space can be provided.

As it pertains to this proposal, the only rationale for increasing allowable building height and modifying minimum setbacks is to redistribute allowable building volume in a manner that provides more tangible open space and resiliency improvements. Additionally, any increase in height must fit within the overall scale and built context of the immediate surroundings.

Given the isolated location of the property, surrounded on all sides by major roadways, as well as its proximity to Mt. Sinai, the proposed increase in height from 85 feet to 140 feet, while not ideal, will likely not result in a negative impact on the established scale, character and context of the surrounding area. Specifically, the ordinance has been revised to include a much larger setback from Alton Road, as well as fixed limits on the overall floor plates of the structure. Collectively, these safeguards will ensure that the additional height is for a more limited building footprint.

Notwithstanding, staff believes that consideration of the proposed increase in height, as well as limited setback modifications, needs to be done within the larger context of providing significantly more open space and water management benefits. As noted in the analysis section, the property owner has proffered several improvements to address water management. However, in order to ensure that the improvements proffered by the property owner will be enough to handle the stormwater needs of the vicinity, as well as become operational, additional infrastructure improvements will be needed.

Staff has recommended, and the proposer has agreed, that the proffer of these water management elements be effectuated through a covenant or similar legal instrument. However, to date the proposer has not agreed to all the infrastructure improvements identified in the analysis and is working on an economic analysis regarding the overall costs. As the proposed height increase is intertwined with the specific water management benefits discussed herein, and the property owners proffer does not yet contain all of the options needed, staff recommends that the planning board discuss the proposed ordinance and defer transmitting it to the City Commission to a future date.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board discuss and continue the item to September 22, 2020. If the Board moves to transmit the proposed ordinance amendment to the City Commission, staff recommends that any such transmittal be subject to the proposer agreeing to all the infrastructure improvements identified in the analysis.

Proposed Julia Tuttle Causeway District



0 87.5 175 350 Feet



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