

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Jimmy L. Morales, City Manager
DATE: October 14, 2020

1:45 p.m. First Reading Public Hearing

SUBJECT: 4000 ALTON ROAD EXPANSION - FLUM / COMPREHENSIVE PLAN AMENDMENT
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, PURSUANT TO THE PROCEDURES IN SECTION 163.3187, FLORIDA STATUTES, TO AMEND THE FUTURE LAND USE MAP OF THE MIAMI BEACH COMPREHENSIVE PLAN, BY CHANGING THE DESIGNATION FOR THE PARCEL LOCATED ABUTTING 4000 ALTON ROAD AND FRONTING 41ST STREET/INTERSTATE 195, FROM THE CURRENT DESIGNATION OF PF, "PUBLIC FACILITY: GOVERNMENT USE," TO THE PROPOSED DESIGNATION OF RM-2, "RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY;" PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

RECOMMENDATION

The administration recommends that the City Commission approve the subject ordinance at first reading and set a second reading/public hearing for November 18, 2020.

BACKGROUND/HISTORY

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). After this referral, Commissioner Michael Gongora withdrew as a co-sponsor.

BACKGROUND

On March 5, 2014 the City Commission approved a request is to amend the Future Land Use Map of the Comprehensive Plan and the Official Zoning District Map of the City of Miami Beach, for parcels of land adjacent to the "Talmudic University Site." Specifically, the Future Land Use Category for the subject parcels was changed from ROS, "Recreation and Open Space," to "RM-2, Residential Multifamily Medium Intensity" and the Zoning District Classification was changed from GU, "Government Use," to "RM-2, Residential Multifamily Medium Intensity". This action accommodated an acquisition of surplus properties from the Florida Department of Transportation (FDOT) by the Talmudic University.

The current owner of the vacant parcel on the south side of the site, "M 4000 Alton Owner LLC c/o M-4000 Alton MGR, LLC" (aka MAST Capital) is in the process of acquiring an additional 0.406 acres of surplus land from the Florida Department of Transportation (FDOT). The proposed surplus parcel is located at the NW corner of the triangular block fronting Alton Road and south side of the Julia Tuttle Causeway, and abuts the existing parcel owned by Mast Capital. In order to accommodate this additional property and combine it with the existing site, MAST Capital 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 FDOT parcel from the current Public Facilities: Government Use (PF) category to the Residential Multifamily Medium Intensity (RM-2) category.
3. An LDR amendment that would create specific development regulations pertaining to setbacks and parking garage liner requirements for the area abutting the west side of Alton Road and the south side of 41st Street/Interstate 195.

ANALYSIS

PLANNING ANALYSIS

The proposed map amendment is consistent with PRINCIPLE 1: DEVELOPING A RESILIENT FUTURE of the Resilient Land Use Element of the Comprehensive Plan which states the following:

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.

The proposed FLUM amendment will also allow for the parcel to be combined with the abutting RM-2 parcel and form a unified development site. This is important because absent the combination with the abutting parcel, access to the site would be exceedingly difficult, and introduce more problems to an already congested access point from Alton Road to west bound I-195.

The proposed ordinance does not contain or represent an increase in maximum allowable density or intensity, since the PF category allows a higher FAR than the RM-2 district, and its maximum density is the average of surrounding districts, which in this case is equivalent to RM-2. The subject parcel (17,680 SF) would allow for up to an additional 35,360 square feet of FAR, based on a maximum FAR of 2.0. The maximum density for the parcel is 41 units, based upon a density of 100 units per acre.

COMPREHENSIVE PLANNING REVIEW PROCESS

The total land area involved in this application is 0.406 acres. Under Section 163.3187 F.S., land use map amendments of less than 10 acres in size may be considered "small-scale" amendments, which require only one public hearing before the City Commission, which shall be an adoption hearing. Upon adoption, the local government shall send a copy of the adopted small-scale amendment to the State Land Planning Agency so that the Agency can maintain a complete and up-to-date copy of the City's Comprehensive Plan.

PLANNING BOARD REVIEW

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

On August 25, 2020 the Planning Board held a public hearing and transmitted the FLUM Amendment ordinance to the City Commission with an unfavorable recommendation by a vote of 6-0. The Planning Board members expressed concern with the increase in density and intensity on the larger site that would likely result with the FLUM Amendment.

SUMMARY

Pursuant to the attached letter from FDOT, dated August 27, 2020, MAST Capital has received confirmation that the purchase of the subject parcel has been approved. MAST has also represented to the City that they are in active negotiations to finalize the purchase of the property and are working toward setting a closing date. The effective date of the proposed rezoning amendment, if adopted, will be predicated upon the completion of this transaction, and MAST obtaining full title to the parcel.

The administration understands the concerns of the Planning Board regarding the potential increase in density associated with the inclusion of the FDOT surplus parcel into a larger property assemblage. However, given the extreme difficulties in accessing this parcel, as well as its relatively small size and awkward geometry, the best available option from a planning and land use standpoint would be to combine it with the abutting development site.

In this regard, the density that would be generated by the addition of the parcel is not likely to exceed 30 units, and it could be less, depending upon the eventual floor plan layout. Also, access to the parcel, as well as the existing site, would be well buffered from Alton Road, and is not expected to create traffic back up issues due to the overall depth of the parcel and the location of vehicular entrance and drop-off areas toward the back of the site. As part of the development review process these circulation issues will be closely evaluated.

In view of the foregoing, the administration is supportive of the proposed rezoning amendment and recommends approval.

CONCLUSION

The administration recommends that the City Commission approve the subject ordinance at first reading and set a second reading/public hearing for November 18, 2020.

Applicable Area

Middle Beach

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

Legislative Tracking

Planning

Sponsor

Commissioner Ricky Arriola

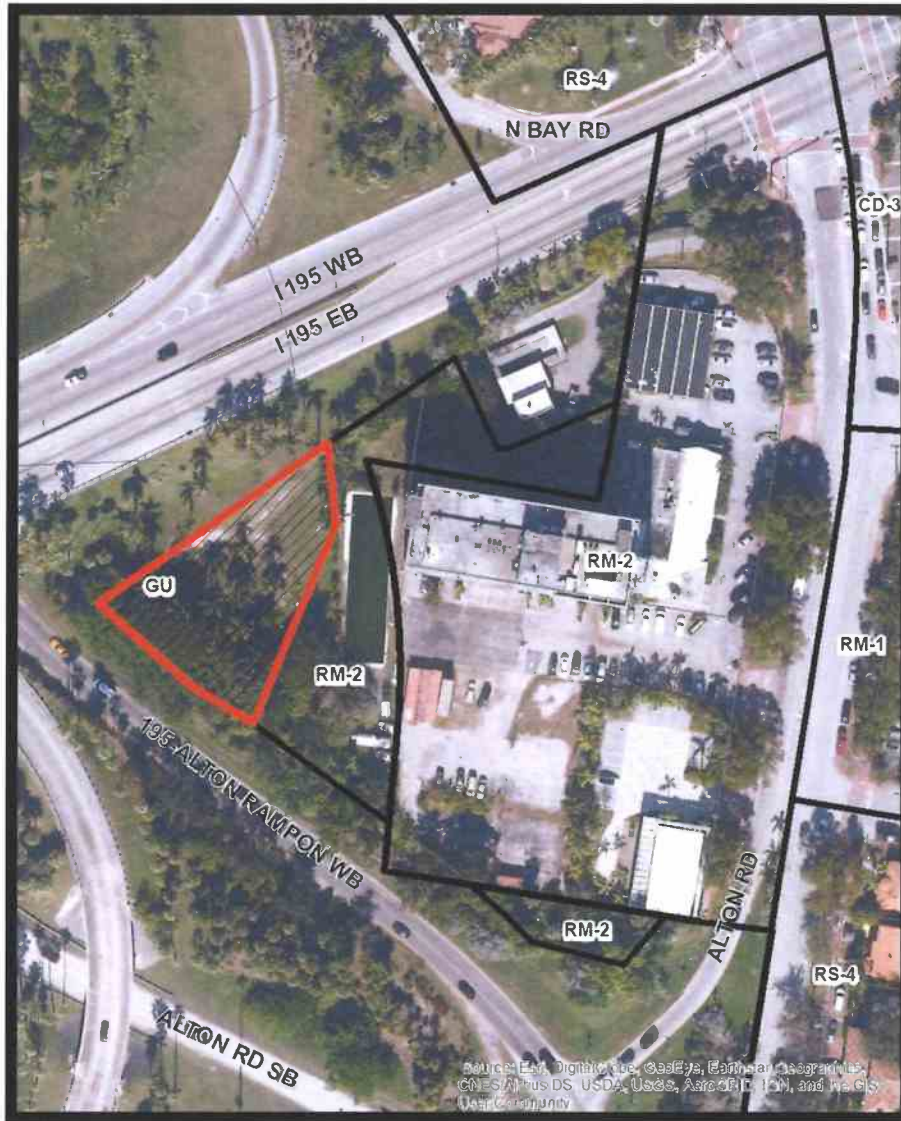
ATTACHMENTS:

Description

□ FLUM - MAP

- D FDOT Purchase Letter
- D Ordinance
- D Ad
- D Ad

Aerial

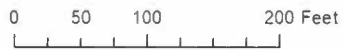
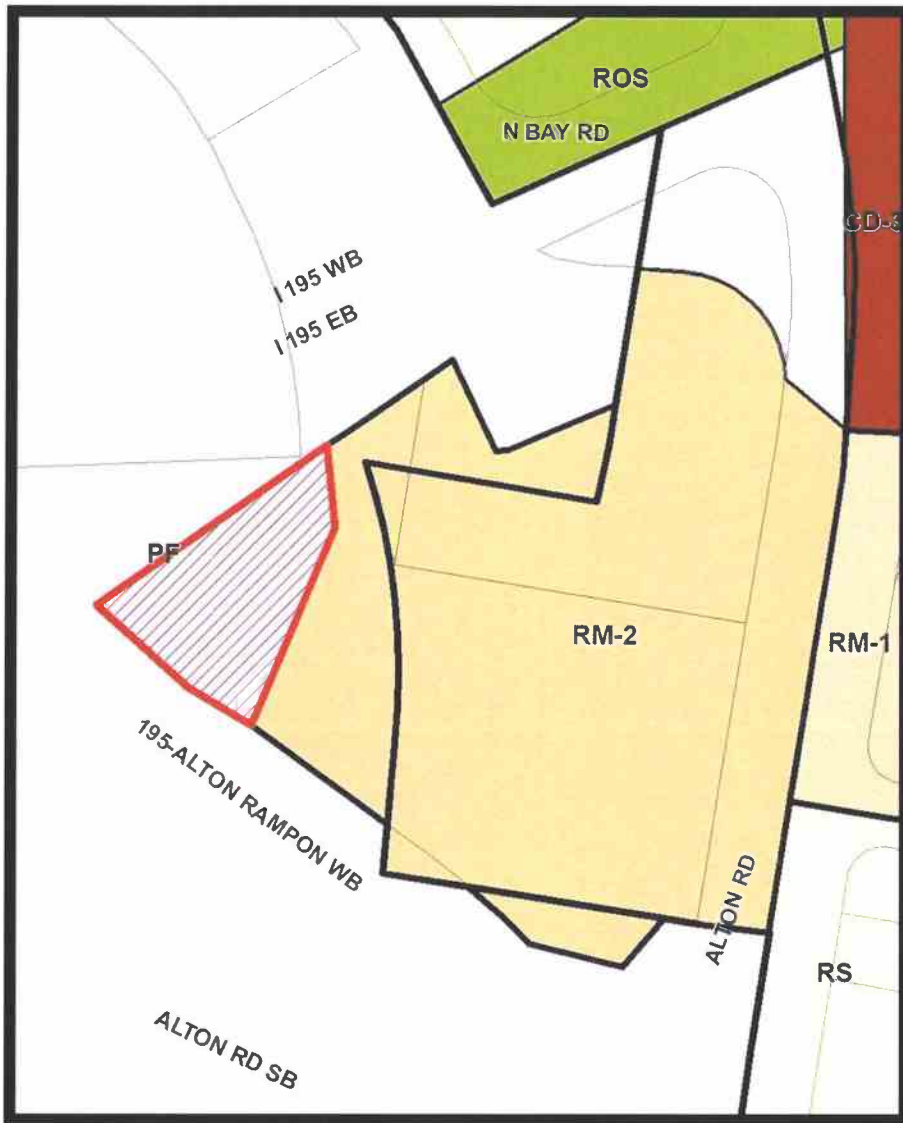


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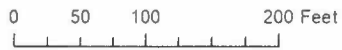
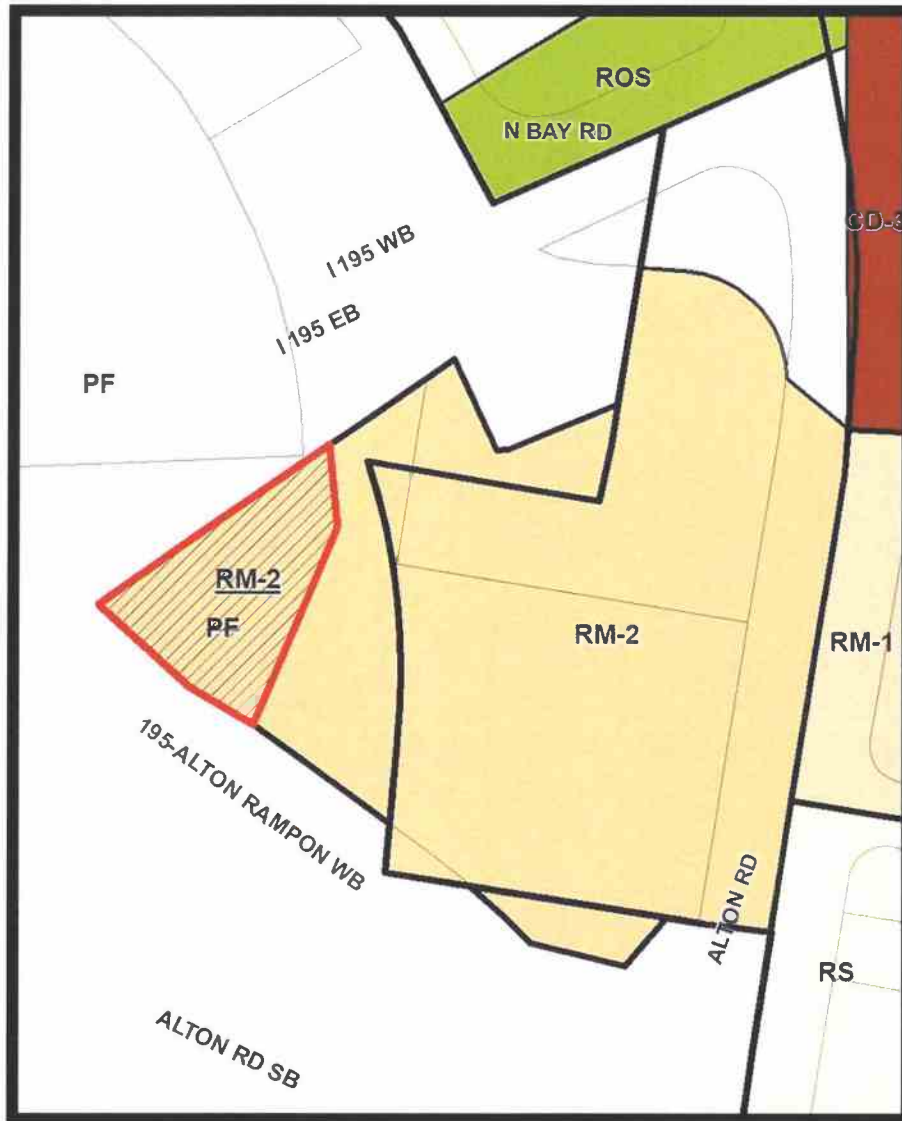
Location: Generally south of I-195/Julia Tuttle Cswy. and west of Alton Rd.

Current Future Land Use



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

Proposed Future Land Use



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

4000 Alton Road Expansion – FLUM / Comprehensive Plan Amendment

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, PURSUANT TO THE PROCEDURES IN SECTION 163.3187, FLORIDA STATUTES, TO AMEND THE FUTURE LAND USE MAP OF THE MIAMI BEACH COMPREHENSIVE PLAN, BY CHANGING THE DESIGNATION FOR THE PARCEL LOCATED ABUTTING 4000 ALTON ROAD AND FRONTING 41st STREET/INTERSTATE 195, FROM THE CURRENT DESIGNATION OF PF, "PUBLIC FACILITY: GOVERNMENT USE," TO THE PROPOSED DESIGNATION OF RM-2, "RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY"; AND PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, on July 31, 2018, the Mayor's 41st Street Blue Ribbon Committee (the "Committee") discussed and recommended in favor of the 41st Street Urban Design Vision Plan, with proposed recommendations guided by core principles/strategies based upon resident feedback and the design team's analysis of the street; and

WHEREAS, the 41st Street Urban Design Vision Plan prioritizes the importance of 41st Street as a primary gateway to Mid-Beach and Miami Beach, as a whole; and

WHEREAS, the subject property has been determined to be "surplus property" by the Florida Department of Transportation (FDOT), and is therefore eligible to be conveyed to the owner of abutting property at 4000 Alton Road; and

WHEREAS, the conveyance of the subject property to private ownership makes it incompatible with the PF, Public Facility: Government Use designation; and

WHEREAS, the subject property and the abutting property at 4000 Alton Road are uniquely situated as an "island" of land fronting three major roadways (I-195/Julia Tuttle Causeway, 41st Street, and Alton Road) at the entrance to Miami Beach; and

WHEREAS, this amendment to the Comprehensive Plan is necessary to ensure the development of the subject property will be compatible with development on adjacent property; and

WHEREAS, by conforming development regulations for these adjacent and uniquely situated properties, this Ordinance will promote the health, safety, and welfare of the City; and

WHEREAS, the City of Miami Beach has determined that this Ordinance will ensure that new development is compatible and in scale with the built environment, is consistent with the 41st Street Urban Design Vision Plan, and is in the best interests of the City; and

WHEREAS, the amendment set forth below is 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. COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT The following amendments to the designations for the properties described herein are hereby approved and adopted and the Planning Director is hereby directed to make the appropriate changes to the City's Future Land Use Map:

A parcel of land generally located adjacent to 4000 Alton Road and abutting 41 Street/Interstate 195 and described and depicted in Exhibit "A," is hereby changed from the current designation of PF, "Public Facility: Government Use" to the proposed designation of RM-2, "Residential Multifamily, Medium Intensity".

SECTION 2. REPEALER

All Ordinances or parts of Ordinances in conflict herewith 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. INCLUSION IN COMPREHENSIVE PLAN

It is the intention of the City Commission that the Comprehensive Plan's Future Land Use Map be amended in accordance with the provisions of this Ordinance.

SECTION 5. TRANSMITTAL

The Planning Director is hereby directed to transmit this ordinance to the appropriate state, regional and county agencies as required by applicable law.

SECTION 6. EFFECTIVE DATE

This ordinance shall take effect 10 days after adoption.

PASSED AND ADOPTED this _____ day of _____, 2020.

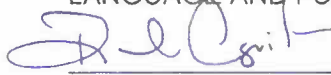
ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

First Reading: October 14, 2020
Second Reading: November 18, 2020

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

APPROVED AS TO FORM AND LANGUAGE AND FOR EXECUTION


City Attorney NK Date
10/6/20

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Jimmy L. Morales, City Manager
DATE: October 14, 2020

1:40 p.m. First Reading Public Hearing

SUBJECT: 4000 ALTON ROAD EXPANSION - REZONING

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 LOCATED 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

The administration recommends that the City Commission approve the subject ordinance at first reading and set a second reading/public hearing for November 18, 2020.

BACKGROUND/HISTORY

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). After this referral, Commissioner Michael Gongora withdrew as a co-sponsor.

BACKGROUND

On March 5, 2014 the City Commission approved a request is to amend the Future Land Use Map of the Comprehensive Plan and the Official Zoning District Map of the City of Miami Beach, for parcels of land adjacent to the "Talmudic University Site." Specifically, the Future Land Use Category for the subject parcels was changed from ROS, "Recreation and Open Space," to "RM-2, Residential Multifamily Medium Intensity" and the Zoning District Classification was changed from GU, "Government Use," to "RM-2, Residential Multifamily Medium Intensity". This action accommodated an acquisition of surplus properties from the Florida Department of Transportation (FDOT) by the Talmudic University.

The current owner of the vacant parcel on the south side of the site, "M 4000 Alton Owner LLC c/o M-4000 Alton MGR, LLC" (aka MAST Capital) is in the process of acquiring an additional 0.406 acres of surplus land from the Florida Department of Transportation (FDOT). The proposed surplus parcel is located at the NW corner of the triangular block fronting Alton Road and south side of the Julia Tuttle Causeway.

In order to accommodate this additional property and combine it with the existing site, MAST Capital 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 FDOT parcel from the current Public Facilities: Government Use (PF) category to the Residential Multifamily Medium Intensity (RM-2) category.
3. An LDR amendment that would create specific development regulations pertaining to setbacks and parking garage liner requirements for the area abutting the west side of Alton Road and the south side of 41st Street/Interstate 195.

ANALYSIS

PLANNING ANALYSIS

The proposed re-zoning amendment will allow for the subject parcel to be combined with the abutting RM-2 parcel and form a

unified development site. This is important because absent the combination with the abutting parcel, access to the site would be exceedingly difficult, and introduce more problems to an already congested access point from Alton Road to west bound I-195.

The proposed ordinance does not include or represent an increase in maximum allowable 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 subject parcel (17,680 SF) would allow for up to an additional 35,360 square feet of FAR, based on a maximum FAR of 2.0. The maximum density for the parcel is 41 units, based upon a density of 100 units per acre.

CITY CHARTER ANALYSIS

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 subject parcel, is RM-2 and has a maximum FAR of 2.0. As the proposed rezoning to RM-2 does not increase the maximum allowable FAR for the subject parcel, the requested amendment complies with the requirements of the referenced Charter provision.

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.

PLANNING BOARD REVIEW

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

On August 25, 2020 the Planning Board held a public hearing and transmitted the rezoning ordinance to the City Commission with an unfavorable recommendation by a vote of 6-0. The Planning Board members expressed concern with the increase in density and intensity on the larger site that would likely result with the Rezoning Amendment.

SUMMARY

Pursuant to the attached letter from FDOT, dated August 27, 2020, MAST Capital has received confirmation that the purchase of the subject parcel has been approved. MAST has also represented to the City that they are in active negotiations to finalize the purchase of the property and are working toward setting a closing date. The effective date of the proposed rezoning amendment, if adopted, will be predicated upon the completion of this transaction, and MAST obtaining full title to the parcel.

The administration understands the concerns of the Planning Board regarding the potential increase in density associated with the inclusion of the FDOT surplus parcel into a larger property assemblage. However, given the extreme difficulties in accessing this parcel, as well as its relatively small size and awkward geometry, the best available option from a planning and land use standpoint would be to combine it with the abutting development site.

In this regard, the density that would be generated by the addition of the parcel is not likely to exceed 30 units, and it could be less, depending upon the eventual floor plan layout. Also, access to the parcel, as well as the existing site, would be well buffered from Alton Road, and is not expected to create traffic back up issues due to the overall depth of the parcel and the location of vehicular entrance and drop-off areas toward the back of the site. As part of the development review process these circulation issues will be closely evaluated.

In view of the foregoing, the administration is supportive of the proposed rezoning amendment and recommends approval.

CONCLUSION

The administration recommends that the City Commission approve the subject ordinance at first reading and set a second reading/public hearing for November 18, 2020.

Applicable Area

Middle Beach

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

Legislative Tracking

Planning

Sponsor

Commissioner Ricky Arriola

ATTACHMENTS:

Description

- FDOT Purchase Letter
- Ordinance
- Ad
- Ad
- Ex parte communications

4000 Alton Road Expansion - Rezoning

ORDINANCE NO. _____

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 LOCATED 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.

WHEREAS, on July 31, 2018, the Mayor's 41st Street Blue Ribbon Committee (the "Committee") discussed and recommended in favor of the 41st Street Urban Design Vision Plan, with proposed recommendations guided by core principles/strategies based upon resident feedback and the design team's analysis of the street; and

WHEREAS, the 41st Street Urban Design Vision Plan prioritizes the importance of 41st Street as a primary gateway to Mid-Beach and Miami Beach, as a whole; and

WHEREAS, the subject property has been determined to be "surplus property" by the Florida Department of Transportation (FDOT), and is therefore eligible to be conveyed to the owner of abutting property at 4000 Alton Road; and

WHEREAS, the conveyance of the subject property to private ownership makes it incompatible with the GU, Government Use zoning classification; and

WHEREAS, the subject property and the abutting property at 4000 Alton Road are uniquely situated as an "island" of land fronting three major roadways (I-195/Julia Tuttle Causeway, 41st Street, and Alton Road) at the entrance to Miami Beach; and

WHEREAS, changing the zoning classification of the subject property as provided herein is necessary to ensure the development of the subject property will be compatible with development on adjacent property; and

WHEREAS, by conforming development regulations for these adjacent and uniquely situated properties, this Ordinance will promote the health, safety, and welfare of the City; and

WHEREAS, the City of Miami Beach has determined that this Ordinance will ensure that new development is compatible and in scale with the built environment, is consistent with the 41st Street Urban Design Vision Plan, and is in the best interests of the City; and

WHEREAS, the amendment set forth below is 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. ZONING MAP AMENDMENT The following amendments to the City's zoning map designation for the property described herein are hereby approved and adopted, and the Planning Director is hereby directed to make the appropriate changes to the zoning map of the City:

A parcel of land generally located adjacent to 4000 Alton Road and abutting 41st Street/Interstate 195 and described and depicted in Exhibit "A," is hereby changed from the current zoning classification of GU: Government Use, to the proposed zoning classification of RM-2 "Residential Multifamily, Medium Intensity."

SECTION 2. REPEALER

All Ordinances or parts of Ordinances in conflict herewith 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 City Commission that the Official Zoning District Map, referenced in Section 142-72 of the Code of the City of Miami Beach, Florida, be amended in accordance with the provisions of this Ordinance.

SECTION 5. EFFECTIVE DATE

This ordinance shall take effect 31 days after adoption, consistent with the effective date of the amendment to the Future Land Use Map of the City's Comprehensive Plan.

PASSED AND ADOPTED this ____ day of _____, 2020.

ATTEST:

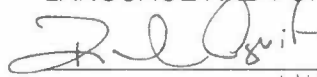
Dan Gelber, Mayor

Rafael E. Granado, City Clerk

First Reading: October 14, 2020
Second Reading: November 18, 2020

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

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION



City Attorney NK Date 10-6-20

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Jimmy L. Morales, City Manager
DATE: October 14, 2020

1:50 p.m. First Reading

SUBJECT: 4000 ALTON ROAD – LDR AMENDMENTS

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

The administration recommends that the City Commission approve the subject ordinance at first reading and schedule a second reading public hearing for November 18, 2020.

BACKGROUND/HISTORY

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.

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BACKGROUND

On March 5, 2014 the City Commission approved a request is to amend the Future Land Use Map of the Comprehensive Plan and the Official Zoning District Map of the City of Miami Beach, for parcels of land adjacent to the "Talmudic University Site." Specifically, the Future Land Use Category for the subject parcels was changed from ROS, "Recreation and Open Space," to "RM-2, Residential Multifamily Medium Intensity" and the Zoning District Classification was changed from GU, "Government Use," to "RM-2, Residential Multifamily Medium Intensity". This action accommodated an acquisition of surplus properties from the Florida Department of Transportation (FDOT) by the Talmudic University.

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). This was a companion to the aforementioned future land use map and zoning map amendments and 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.

The current owner of the vacant parcel on the south side of the site, "M 4000 Alton Owner LLC c/o M-4000 Alton MGR, LLC" (aka MAST Capital) is in the process of acquiring an additional 0.406 acres of surplus land from the Florida Department of Transportation (FDOT). The proposed surplus parcel is located at the NW corner of the triangular block fronting Alton Road and south side of the Julia Tuttle Causeway.

In order to accommodate this additional property and combine it with the existing site, MAST Capital 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 FDOT parcel from the current Public Facilities: Government Use (PF) category to the Residential Multifamily Medium Intensity (RM-2) category.
3. An LDR amendment that would create specific development regulations pertaining to setbacks and parking garage liner requirements for the area abutting the west side of Alton Road and the south side of 41st Street/Interstate 195.

ANALYSIS

PLANNING BOARD REVIEW

Pursuant to the referral of the item by the City Commission on May 13, 2020, the following is a summary of the proposed LDR amendments considered by the Planning Board on August 25, 2020:

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

On August 25, 2020 the Planning Board held a public hearing and transmitted the LDR Amendments ordinance to the City Commission with an unfavorable recommendation by a vote of 6-0. The Planning Board members expressed concern with the proposed increase in height, and the lack of compatibility with the immediate area.

PLANNING ANALYSIS

Since the review of the proposal by the Planning Board on August 25, 2020, MAST has re-studied and substantially modified the proposed LDR amendments, including the removal of the proposed increase in building height. The revised proposal is now limited to revised setback, balcony encroachment and parking liner regulations for properties that front the west side of Alton Road, as well as the Julia Tuttle Causeway. The following is a summary of the revised scope of the proposed LDR amendments:

Setbacks

- Rear Pedestal: 10 feet*
- Rear Tower: 15 feet*
- Side Pedestal: 10 feet*
- Side Tower: 15 feet*

Allowable Encroachments

- Exterior unenclosed private balconies and ornamental features may project up to 50% into the required yard.

Parking Liner

- There shall be no parking liner requirement along the rear and sides of the building.
- The liner requirement for the eastern frontage along Alton Road shall not apply to a structure that is setback 50 feet or more from Alton Road.

The proposed LDR amendments are consistent with previously issued variances for the project and reflect the unique configuration of the property. Additionally, these amendments allow for the new building to achieve better separation from the existing Talmudic University structure and provide improved internal circulation within the property. In view of the foregoing, the administration is supportive of the proposed LDR amendment and recommends approval at first reading.

CONCLUSION

The administration recommends that the City Commission approve the subject ordinance at first reading and schedule a second reading public hearing for November 18, 2020.

Applicable Area

Middle Beach

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

Legislative Tracking

Planning

Sponsor

Commissioner Ricky Arriola

ATTACHMENTS:

Description

- ▢ Ordinance
- ▢ Ad
- ▢ Ad

4000 Alton Road – LDR Amendments

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, 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; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, 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, on or about March 7, 2018, the Mayor's 41st Street Blue Ribbon Committee (the "Committee") was formed; and

WHEREAS, on March 23, 2018, the Committee discussed and recommended goals and objectives for the 41st Street corridor, including improving the quality of life through multi-modal transportation design, community engagement, an overall vision for 41st Street as the main entrance/gateway to Mid-Beach, storefront revitalization and façade incentives, assessment of current public works, infrastructure improvements, and a focus on key opportunities and challenges; and

WHEREAS, on July 31, 2018, the Committee discussed and recommended in favor of the 41st Street Urban Design Vision Plan, with proposed recommendations guided by core principles/strategies based upon resident feedback and the design team's analysis of the street; and

WHEREAS, the 41st Street Urban Design Vision Plan prioritizes the importance of 41st Street as a primary gateway to Mid-Beach and Miami Beach, as a whole; and

WHEREAS, the area of the City subject to this Ordinance is uniquely situated as an "island" of land, at the crossroads of three major roadways (I-195/Julia Tuttle Causeway, 41st Street, and Alton Road), and at the entrance to Miami Beach; and

WHEREAS, the proposed zoning regulations include modified setback regulations to reflect the unique nature of the subject area; and

WHEREAS, the proposed zoning regulations will incentivize development that is set back from neighboring residents, and located more closely towards the Interstate 195/Julia Tuttle Causeway entrance to Miami Beach; 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 3, entitled "Residential Multifamily Districts," 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 3
RESIDENTIAL MULTIFAMILY DISTRICTS**

* * *
**SUBDIVISION IV
RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY**

* * *

Sec. 142-220- Additional regulations for properties that front the West Side of Alton Road and the Julia Tuttle Causeway.

The following regulations shall apply to properties that front the west side of Alton Road and that front 41st Street/Interstate 195. In the event of a conflict within this division, the following regulations shall control:

- (1) The setback requirements shall be as follows:

<u>Rear</u>	<u>Pedestal: 10 feet*</u> <u>Tower: 15 feet*</u>
<u>Side</u>	<u>Pedestal: 10 feet*</u> <u>Tower: 15 feet*</u>
<u>*Notwithstanding the allowable projection regulations in Section 142-1132, exterior unenclosed private balconies and ornamental features may project 50% into a required yard.</u>	

- (2) The regulations for new construction provided in Section 142-219(1) shall only apply to the eastern frontage of a building, along Alton Road. However, the requirement provided in Section 142-219(1) for the eastern frontage along Alton Road shall not apply to a structure that is set back 50 feet or more from Alton Road.

(3) The regulations set forth in this section shall only apply to those properties that are larger than 60,000 square feet in size as of the effective date of this Ordinance.

SECTION 2. REPEALER.

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

SECTION 3. 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 4. SEVERABILITY.

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

SECTION 5. 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

Raul Cevit 10-6-20

City Attorney NK Date

First Reading: October 14, 2020
Second Reading: November 18, 2020

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