

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: March 27, 2018

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 18-0199 NORTH BEACH GU LOTS – WAIVER OF DRB PROCESS**

REQUEST

PB 18-0199 NORTH BEACH GU LOTS – WAIVER OF DRB PROCESS. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS", ARTICLE II, ENTITLED "DISTRICT REGULATIONS", DIVISION 9, ENTITLED "GU GOVERNMENT USE DISTRICT," BY AMENDING SECTION 142-425, ENTITLED "DEVELOPMENT REGULATIONS" TO ALLOW THE CITY COMMISSION TO WAIVE THE DESIGN REVIEW PROCESS FOR TEMPORARY USES ON LOTS WITH A GU ZONING DESIGNATION FRONTING COLLINS AVENUE BETWEEN 79TH STREET AND 87TH STREET; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

RECOMMENDATION:

Transmit the Ordinance to the City Commission with a favorable recommendation.

HISTORY

On March 7, 2018, at the request of Commissioner Ricky Arriola, the City Commission referred the subject Ordinance to the Land Use and Development Committee (LUDC) and the Planning Board (Item R9J).

On March 14, 2018, the LUDC recommended that the Planning Board transmit the ordinance to the City Commission with a favorable recommendation, and with the following modifications:

- Require that applicable GU waivers only be considered for temporary uses and structures that will exist for a period of less than 10 years.

- Require that the City Commission, as part of any DRB waiver process, evaluate and consider all applicable Design Review requirements and criteria in Chapter 118 of the City Code.

REVIEW CRITERIA

In accordance with Section 118-163(3), when reviewing a request for an amendment to these land development regulations, the Board shall consider the following where applicable:

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

Consistent – The proposed ordinance amendment is consistent with the Goals, Objectives, and Policies of the Comprehensive Plan.

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

Consistent – The proposed Ordinance will not change district boundaries.

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

Consistent – The proposed Ordinance will not affect the overall scale of development and is not out of scale with the needs of the neighborhood.

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

Consistent – The proposed change will not tax the existing 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 Ordinance will not change district boundaries.

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

Consistent – The need to protect neighborhoods allow for temporary developments that can enhance the economic development of the North Beach neighborhood makes passage of the proposed change necessary.

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

Consistent – The proposed change should 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.

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

Consistent – The proposal will not reduce light and air to adjacent properties,

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 proposal should not be a deterrent to the improvement or development of adjacent property.

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 not affect areas that are vulnerable to the impacts of sea level rise in the near or mid-term; however, the proposal only applies to temporary uses which should not be significantly impacted.

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

Not Applicable – 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.

BACKGROUND

The subject Ordinance pertains to the existing lots located on the west side of Collins Avenue, between 79th and 87th Streets. All of these lots, commonly referred to as the "West Lots," are City owned and zoned Government Use (GU).

In 2017, the City Comprehensive Plan was amended to change the current Future Land Use Map (FLUM) category of the west lots from RM-1 to **Public Facility (PF)**. Additionally, the **Public Facility (PF)** portion of the Comprehensive Plan was amended to allow for commercial uses as a permitted use. This change brought previously approved uses (e.g. Ocean Rescue) into compliance with the comprehensive plan, and provided more flexibility for future uses.

Further, in 2017, Sec. 142-425(d) of the City Code, pertaining to waivers for GU properties, was amended to provide the City Commission the authority to consider waivers for certain private uses located on the west lots. Specifically, for private uses approved by the City Commission for a period of less than ten years, the City Commission is now able to consider a waiver of development regulations. Prior to this amendment, GU waivers on the west lots were limited to government facilities/uses, cultural organizations and not-for-profits.

Currently, the only exception to this GU waiver provision is the 'design review processes'. In this regard, the mandatory requirement for Design Review Board (DRB) review was put in place in the 1990's in order to ensure that permanent buildings and projects located on GU sites went through a comprehensive public review process. This provision was not previously envisioned to include temporary or 'pop-up' uses, which are short term in nature.

In order to provide more flexibility for future temporary and 'pop-up' uses on the west lots, including the proposal for the North Beach Yard, a minor revision to Sec. 142-425(d) of the City Code is proposed. As noted in the attached draft ordinance, in addition to being able to waive all other development regulations, the City Commission would have the discretion to consider a waiver of the 'design review processes'. As drafted, this discretion to waive the design review processes would only apply to temporary uses associated with the West lots, and require the City Commission to analyze the request in compliance with the Design Review Criteria.

It is important to note that even if the Commission should decide to consider granting any development waiver for a future project on the west lots, including a potential waiver of the DRB process, two public hearings would still be required (at the Planning Board and the City Commission). Both of these public hearings would be noticed to all surrounding property owners within 375 feet of the affected property.

Pursuant to the recommendations of the LUDC, the proposed ordinance requires that such waivers can only be considered for temporary uses and structures that will exist for a period of less than 10 years. Additionally, when considering such waivers, the proposed ordinance requires that the City Commission consider the Design Review Criteria listed in Chapter 118 of the Land Development Regulations.

RECOMMENDATION

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

TRM/MAB/RAM

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