

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: June 26, 2018

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **550 9th Street**
PB18-0209– Comprehensive Plan Amendment.
PB18-0210 – Zoning district change

REQUEST

PB 18-0209. 550 9th Street – Comprehensive Plan Amendment- AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE CATEGORY PURSUANT TO SECTION 118-166 OF THE LDR'S, AND PURSUANT TO FLORIDA, SECTIONS 163.3181 AND SECTION 163.3187, BY CHANGING THE FUTURE LAND USE DESIGNATION FOR A PARCEL OF LAND LOCATED AT 550 9TH STREET, AND WHICH IS COMPRISED OF LESS THAN 10 ACRES, FROM THE CURRENT DESIGNATION OF PF-HD, "PUBLIC FACILITY HOSPITAL - PF", TO THE FUTURE LAND USE CATEGORY OF TO RM-2, "RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY;" PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; TRANSMITTAL; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

PB 18-0210. 550 9th Street – Zoning district change. 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, "DISTRICT MAP," OF THE LDR's, PURSUANT TO SECTION 118-162, "PETITIONS FOR CHANGES AND AMENDMENTS," BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR A PARCEL OF LAND LOCATED AT 550 9TH STREET, AND WHICH IS COMPRISED OF LESS THAN 10 ACRES, FROM THE CURRENT ZONING CLASSIFICATION OF HD, "HOSPITAL DISTRICT," TO RM-2, "RESIDENTIAL MEDIUM INTENSITY DISTRICT;" PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

RECOMMENDATION:

Transmit the proposed Ordinance and Comprehensive Plan Amendment to the City Commission with a favorable recommendation.

HISTORY/ BACKGROUND

On April 11, 2018, at the request of the Commissioner Michael Gongora, the City Commission referred the item to the Planning Board (Item C4 C).

ZONING / SITE DATA

Site Area:	20,873 SF / 0.479 acres
Existing Zoning Designation:	HD, Hospital District
Proposed Zoning Designation:	Residential Multifamily Medium Intensity (RM-2)
Existing FLUM Category:	Medium Intensity Residential Multifamily Category (RM-2)
Proposed FLUM Category:	Public Facilities: Hospital District (PF-HD)
Existing Land Uses:	
North:	Commercial building and surface parking lot
East:	Commercial building
South:	Apartment building
West:	Apartment buildings

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:

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

Consistent – The proposed future land use map change and zoning map change are consistent with the Comprehensive Plan, as proposed to be amended.

As the proposed RM-2 designation provides for an appropriate transition and greater compatibility between the CD-2 areas to the east and the RM-1 areas to the west, the proposed Future Land Use Map amendment is consistent with *Policy 1.1(2)* of the City of Miami Beach 2025 Comprehensive Plan which states the following:

Regulate the use of land and water consistent with this Element and ensure the compatibility of adjacent land uses and provide for open space;

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

Consistent – The proposed change to RM-2 will allow for an appropriate transition between the commercial CD-2 areas to the east and the low scale multifamily residential RM-1 areas to the west. The scale of the RM-2 district is consistent with the scale of the adjacent RM-1 district, while the uses permitted in the RM-2 district are consistent with those permitted in the RM-1 district.

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

Consistent – The proposed RM-2 future land use designations allow for development of buildings with a lower intensity than the current “Public Facility Hospital” designation. The current PF-HD Future Land Use designation provides for the following:

Public Facility Hospital - PF (PF- HD)

Purpose: To provide development opportunities for existing hospital facilities. Uses which may be permitted: hospital facilities. 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 on 3.0.

The proposed “Medium Density Multi Family Residential Category (RM-2)” future land use designation provides for the following:

Medium Density Multi Family Residential Category (RM-2)

Purpose: To provide development opportunities for and to enhance the desirability and quality of existing and/or new medium density multi family residential areas. Uses which may be permitted: Single family detached dwellings, single family attached dwellings, townhouse dwellings, multiple family dwellings, apartment hotels and hotels. Residential office uses are permitted in RM-2 only in the West Avenue Bay Front Overlay District, as described in the Land Development Regulations.

Other uses which may be permitted are accessory uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to be subordinate to the main use; and conditional uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to go through a public hearing process as prescribed in the Land Development Regulations of the Code of the City of Miami Beach.

Density Limits: 100 dwelling units per acre.

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 2.0.

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

Partially Consistent – As the proposed amendment does not result in an increase in the intensity of what would otherwise be permitted on the existing HD property, however there are increases in density. There should be no increase in roadway demands or stormwater drainage, however demands for parks and recreation, potable water, sanitary sewer, solid waste, and public schools, may increase, however the increase should be minimal and would not exceed the levels of service adopted in the Comprehensive Plan (See the attached Comprehensive Plan and Zoning Amendment Concurrency Analysis”) or mitigation can be provided. A full concurrency analysis will be provided as part of a building permit process.

5. Whether existing district boundaries are illogically drawn in relation to existing

conditions on the property proposed for change.

Consistent – The existing boundaries call for hospital uses in an area that is surrounded by commercial and residential uses. The uses are somewhat incompatible, as the HD district allows for medical uses that can negatively impact surrounding areas if not properly buffered and mitigated. It is more appropriate to have residential uses facing other residential uses, to minimize impacts on residents. The proposed change is a logical transition between the CD-2 areas to the east and the RM-1 areas to the west.

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

Consistent – The need to improve the aesthetic conditions and quality of life in the surrounding area make proposed amendments necessary.

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

Consistent - The proposed changes should not adversely influence living conditions in the surrounding 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 - From the standpoint of traffic congestion, trip generation, and parking availability, the proposed change should not create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.

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

Consistent - The proposed changes will not seriously reduce light and air to adjacent areas; as the maximum building intensity and height is not affected by the proposed amendments.

10. Whether the proposed change will adversely affect property values in the adjacent area.

Consistent – Property values should not be negatively impacted by the proposed changes.

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 changes would not be a deterrent to the redevelopment or improvement of any adjacent property.

12. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.

Not Consistent – The site contains a building which was formerly the Oceanside Extended Care Center, which has closed. Other medical and hospital uses could locate in the facility, however, many such facilities have closed. Additionally, these uses may negatively impact surrounding neighbors and would be undersirable.

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

ANALYSIS

Currently, the property located at 550 9th Street has a Zoning Classification of HD (Hospital District). See attached map. The proposal is to change the designation to RM-2. The properties immediately to the north have an RO and GU designation, the properties to the east have a CD-2 designation, and the properties to the west have an RM-1 designation. Therefore the RM-2 district would provide for an appropriate transition between the higher intensity uses to the east and the low intensity multifamily residential areas to the west.

Section 142-456 of the land development regulations provide procedures for the rezoning of HD district. It requires that the “rezoning shall be to a district or combination of districts with a floor area ratio no greater than the abutting land (sharing lot line).” The subject parcel shares a lot line with the CD-2 district. The CD-2 district has a maximum FAR of 1.5; however, it provides that when more than 25 percent of the total area of a building is used for residential or hotel units, the floor area ratio range shall be as set forth in the RM-2 district. Therefore, the maximum FAR in the CD-2 and RM-2 districts are equivalent, and the RM-2 designation is appropriate for the site.

Comprehensive Plan Process

The total land area involved in this application is 0.48 acres (20,870 SF). 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.

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.

Currently there is a proposal to change the use of the site to a hotel. If there were a modification that established residential units, 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. 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.

Summary

The proposed amendment to the Future Land Use Map of the City's Comprehensive Plan and the change to the Zoning Map require that these amendments be processed together, as they are interrelated to one another; however, separate motions must be made for each application. The zoning change proposed by these applications would enable the continued adaptive reuse of the existing buildings.

RECOMMENDATION

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

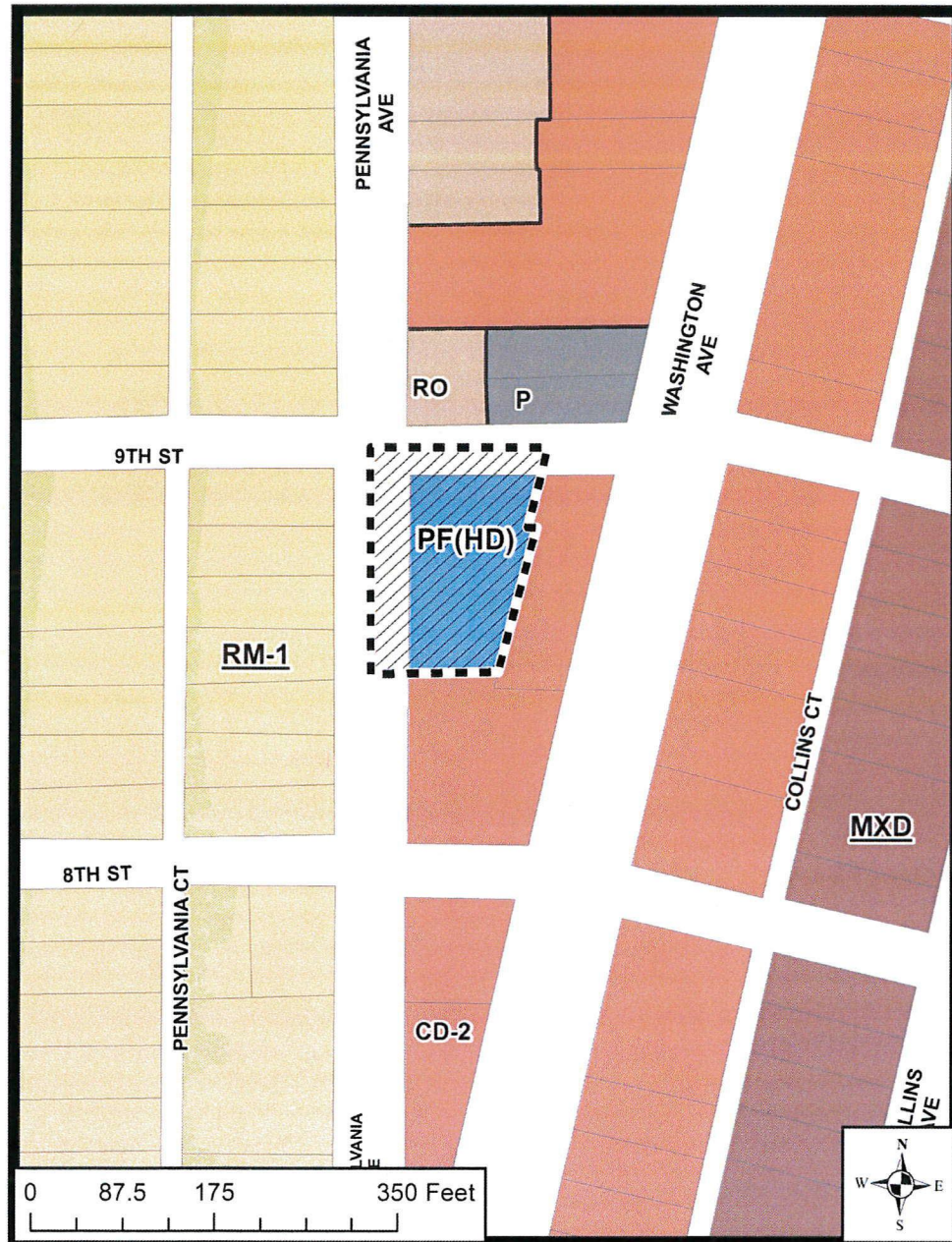
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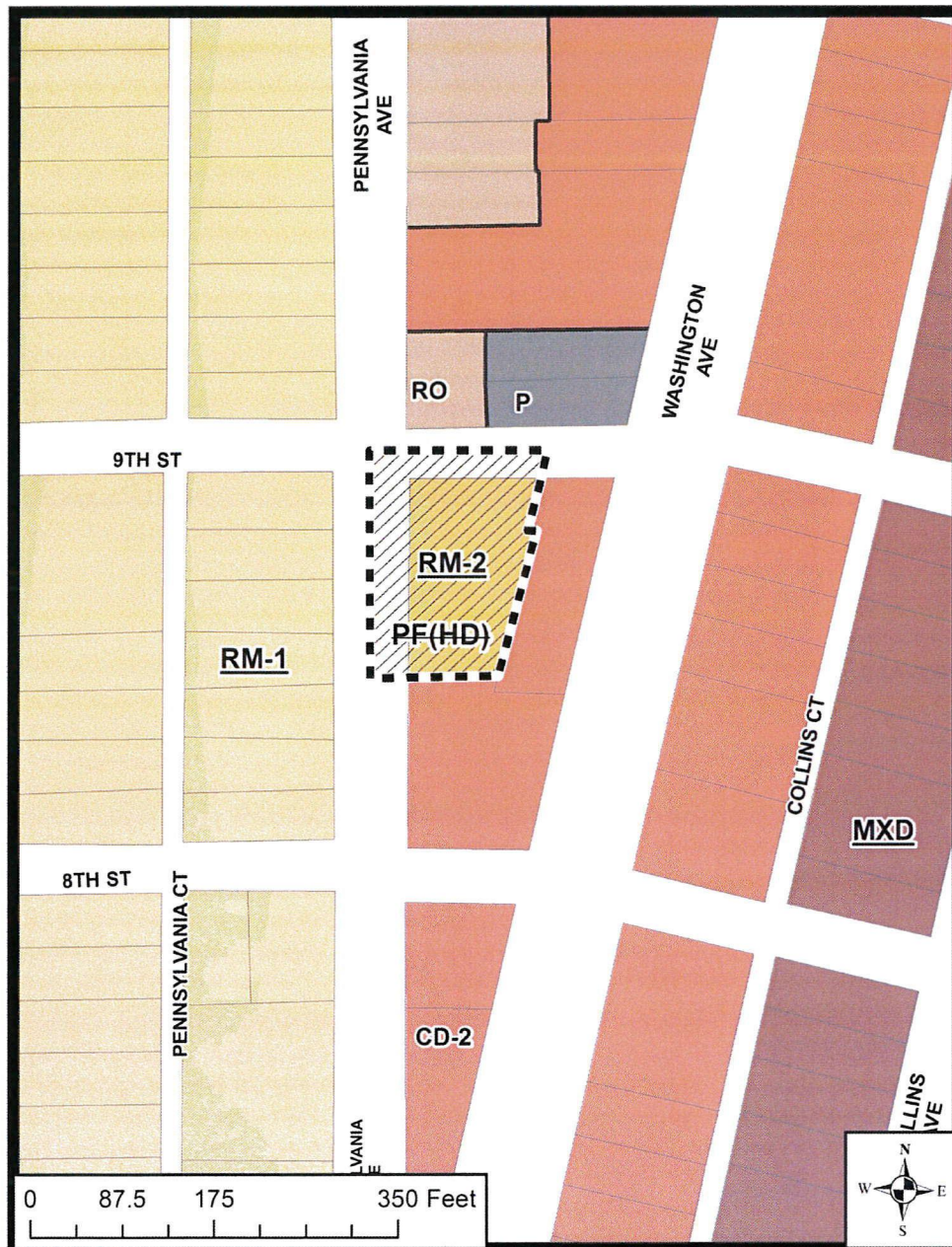
ZONING/SITE MAP



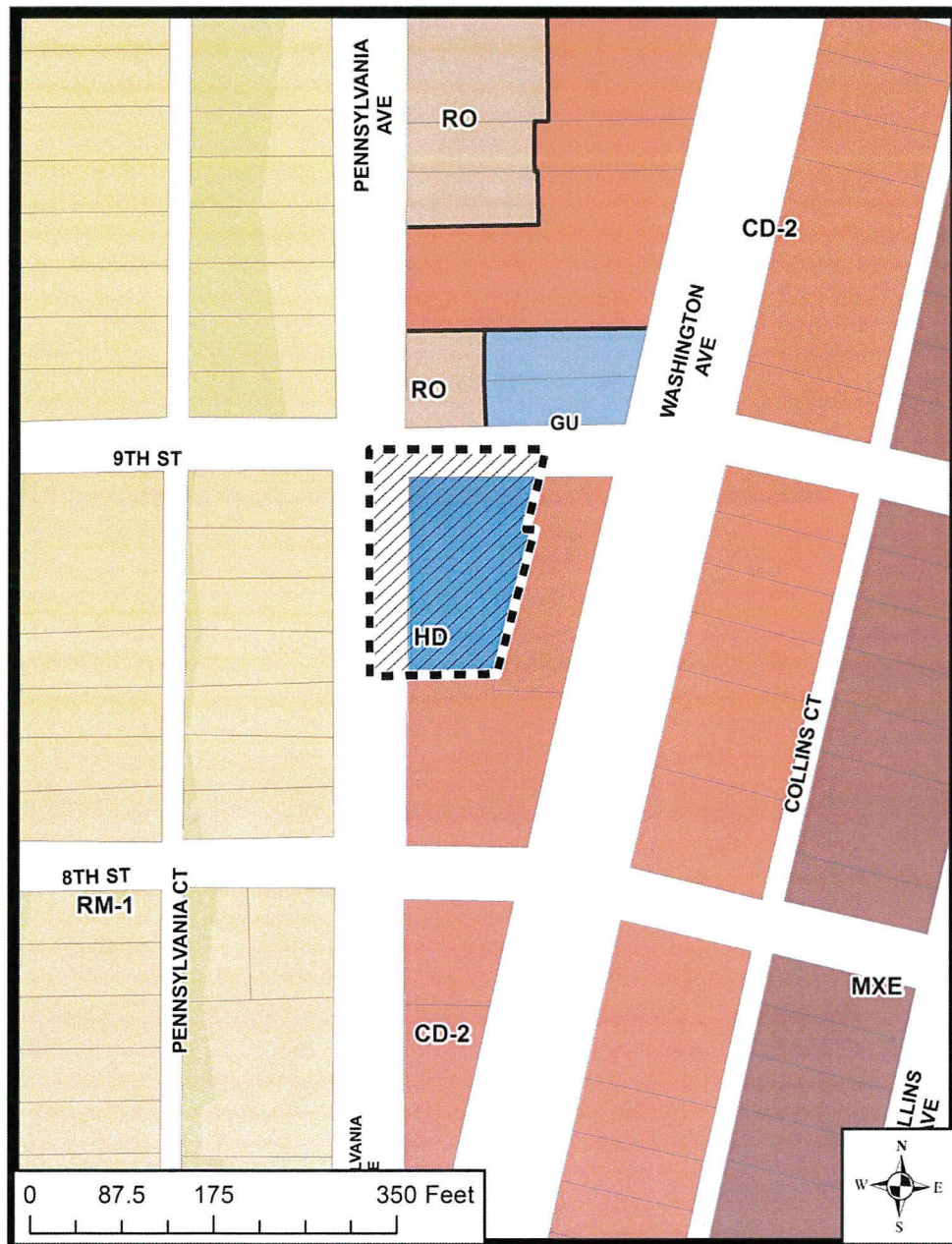
Existing Future Land Use



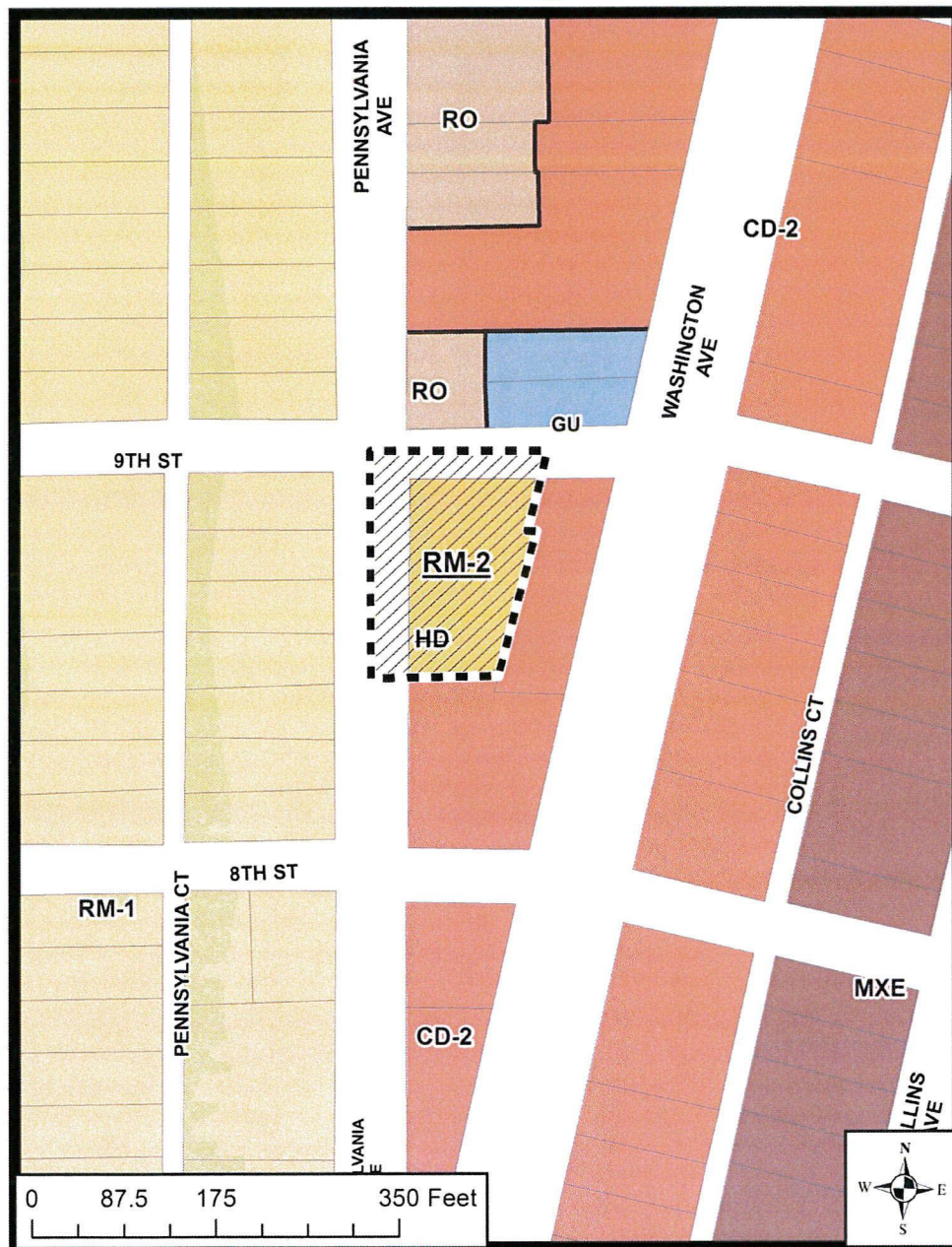
Proposed Future Land Use



Current Zoning



Proposed Zoning



MIAMI BEACH

PLANNING DEPARTMENT

Comprehensive Plan and Zoning Amendment Concurrency Analysis

Date Prepared: 6/5/2018

Name of Project: 550 9th Street FLUM and Zoning Map Amendment

Address of Site: 550 9th Street

Concurrency Management Area: South Beach

Square Feet in the Amendment: 20,870

Acreage in the Amendment: 0.48

Proposed FLUM Designation

Designation:

Medium Density Residential Category (RM-2)

Maximum Density	Maximum FAR
100	2.0

Note:

Existing FLUM Designation

Designation:

Public Facilities Hospital - PF (PF-HD)

Maximum Density	Maximum FAR
0	3

	Residential (Units)	Hotel (Rooms)	Retail (SF)	Medical Office (SF)	Industrial (SF)	Proposed Total
Peak Hour Trips Generated*	37.37	N/A	N/A	N/A	N/A	37.37
Residential Demand	119.8	0.0				119.8

*Peak Hour Trips Calculated with ITE 9th Edition Trip Generation Manual Weekday PM Peak Hour factors

	Residential (Units)	Hotel (Rooms)	Retail (SF)	Medical Office (SF)	Industrial (SF)	Existing Total
Peak Hour Trips Generated*	N/A	N/A	N/A	62,610	N/A	267.34
Residential Demand	0.0	0.0				0.0

*Peak Hour Trips Calculated with ITE 9th Edition Trip Generation Manual Weekday PM Peak Hour factors

Transportation Concurrency

New Trips Generated 0.00 Trips

Trip Allowances

Transit	15%
Pass-by	30%
Mixed-use	10%
Total	55%

Alton Road/Washington Avenue Sub Area

Capacity:	6,250 Trips
Existing Trips:	5,517 Trips
Net New Trips Generated:	0 Trips
Concurrent:	YES

Parks and Recreation Concurrency

Net New Residential Demand:

119.8 People

Parks Facility Type	Concurrent
Recreation and Open Space Acreage	YES
Recreational Facilities Acreage	YES
Swimming Pool	YES
Golf Course	YES
Basketball Court	YES
Tennis Court	YES
Multiple-Use Courts	NO
Designated Field Area	NO
Tot Lots	YES
Vita Course	YES
Boat Ramp	YES
Outdoor Amphitheater	YES
Activity Building for Multiple Uses	NO

Required Mitigation to be determined at Building Permit Application

Potable Water Transmission Capacity

Proposed Demand:	20,123 Gallons Per Day
Existing Demand:	0 Gallons Per Day
New Demand:	20,123 Gallons

Concurrency to be determined at Building Permit Application

Sanitary Sewer Transmission Capacity

Proposed Demand:	16,769 Gallons Per Day
Existing Demand:	0 Gallons Per Day
New Demand:	16,769 Gallons

Concurrency to be determined at Building Permit Application

Solid Waste Collection Capacity

Proposed Demand:	153 Tons Per Year
Existing Demand:	0 Tons Per Year
New Demand:	153 Gallons

Concurrency to be determined at Building Permit Application

Storm Sewer capacity

Required LOS: One-in-five-year storm event

Concurrency to be determined at Building Permit Application

Note:

This represents a comparative analysis of concurrency with maximum development potential of the site between the existing and proposed Future Land Use designations. Actual concurrency demands, required mitigation, and required capacity reservation will be determined at the time of Building Permit Application.

Comprehensive Plan Amendment – 550 9th Street

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE CATEGORY PURSUANT TO SECTION 118-166 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, SECTION 163.3181, FLORIDA STATUTES, AND SECTION 163.3187, FLORIDA STATUTES, BY CHANGING THE FUTURE LAND USE DESIGNATION FOR A PARCEL OF LAND LOCATED AT 550 9TH STREET, AND WHICH IS COMPRISED OF LESS THAN 10 ACRES, FROM THE CURRENT DESIGNATION OF PF-HD, “PUBLIC FACILITY HOSPITAL - PF”, TO THE FUTURE LAND USE CATEGORY OF TO RM-2, “RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY;” PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; TRANSMITTAL; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, changing the comprehensive plan designations of the subject parcel as provided herein is necessary to ensure the development of the sites will be compatible with development in adjacent and surrounding areas, and will contribute to the general health and welfare of the City; and

WHEREAS, the City of Miami Beach has determined that changing the designation of the subject parcel as provided herein will ensure that new development is compatible and in scale with the built environment, and is in the best interest of the City; and

WHEREAS, changing the comprehensive plan designations of the subject parcel, as provided herein, is necessary to ensure the development of the site will be compatible with development in adjacent and surrounding areas and will contribute to the general health and welfare of the City; and

WHEREAS, the City of Miami Beach has determined that the rezoning of the property as provided herein will ensure that new redevelopment and renovation of existing structures are compatible and in scale with the built environment and is in the best interest 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 amendment to the City’s Future Land Use Map designation for the property described herein is hereby approved and adopted and the Planning Director is hereby directed to make the appropriate change to the City’s Future Land Use Map:

A parcel of land generally located at 550 9th Street (Miami-Dade County

Folio 02-4203-009-0100), of approximately 20,870 square feet (0.479 acres), as depicted in Exhibit "A," from the current PF-HD, "Public Facility Hospital – PF" designation to the proposed designation of RM-2, "Residential Multifamily, Medium Intensity".

SECTION 2. REPEALER

All Ordinances or parts of Ordinances in conflict herewith be and the same 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 _____, 2018.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO FORM
AND LANGUAGE
AND FOR EXECUTION

City Attorney

Date

First Reading: _____, 2018

Second Reading: _____, 2018

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

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REZONING – 550 9th Street

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, “DISTRICT MAP,” OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, PURSUANT TO SECTION 118-162, “PETITIONS FOR CHANGES AND AMENDMENTS,” BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR A PARCEL OF LAND LOCATED AT 550 9TH STREET, AND WHICH IS COMPRISED OF LESS THAN 10 ACRES, FROM THE CURRENT ZONING CLASSIFICATION OF HD, “HOSPITAL DISTRICT,” TO RM-2, “RESIDENTIAL MEDIUM INTENSITY DISTRICT;” 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, Section 142-456 of the City’s Land development regulations, entitled “Rezoning of HD district” requires that the rezoning of an existing HD zoned property meet the following criteria:

- (a) If an application is filed pursuant to section 118-162 to rezone all or part of an HD district, the rezoning shall be to a district or combination of districts with a floor area ratio no greater than the abutting land (sharing lot line).
- (b) Properties rezoned under this section that exceed 15 acres may be rezoned to allow for a mix of districts, uses and intensities compatible with zoning districts of abutting properties, and may exceed the limitation provided for in subsection (a) above, if adequate buffers are provided to protect less intense abutting and nearby uses, as submitted to and approved by the planning board and city commission.
- (c) Any building existing on the property may be adaptively reused consistent with the underlying zoning regulations retaining existing nonconforming height, setbacks, floor area ratio and off-street parking, regardless whether the rehabilitation exceeds 50 percent of the value determination, provided that the repaired or rehabilitated building shall be subject to the regulations in subsection 118-395(b)(1)a.—d.

WHEREAS, the change of zoning classification of the subject parcel is consistent with the requirements of Section 142-456, of the Land Development Code; and

WHEREAS, changing the zoning classification of the subject parcel as provided herein is necessary to ensure the development of the sites will be compatible with development in adjacent and surrounding areas, and will contribute to the general health and welfare of the City; and

WHEREAS, the City of Miami Beach has determined that changing the zoning classification of the subject parcel as provided herein will ensure that new development is compatible and in scale with the built environment, and is in the best interest of the City; and

WHEREAS, the change of zoning classification of the subject parcel will not result in an increase in floor area permitted on the parcel; and

WHEREAS, the zoning district map of the City of Miami Beach, referenced at section 142-72, of the Land Development Regulations of the City of Miami Beach, Florida, shall be amended to reflect a change of zoning classification from HD, Hospital District to RM-2, Residential Multi-Family Medium Intensity; 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 amendment to the City's zoning map designation for the property described herein is hereby approved and adopted and the Planning Director is hereby directed to make the appropriate change to the zoning district map of the City:

A parcel of land generally located at 550 9th Street (Miami-Dade County Folio 02-4203-009-0100), of approximately 20,870 square feet (0.479 acres), as depicted in Exhibit "A," from the current HD, "Hospital District" zoning classification to the proposed zoning classification of RM-2, "Residential Multifamily, Medium Intensity".

SECTION 2. REPEALER

All Ordinances or parts of Ordinances in conflict herewith be and the same 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 10 days after adoption.

PASSED AND ADOPTED this ____ day of _____, 2018.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO FORM
AND LANGUAGE
AND FOR EXECUTION

First Reading: _____, 2018

Second Reading: _____, 2018

City Attorney

Date

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

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