

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: June 28, 2016

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: **Ordinance Amendment**
Concurrency Exemption – GU & CCC Districts

REQUEST

PB0616-0028. CONCURRENCY EXEMPTION – GU & CCC DISTRICTS. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY CODE, BY AMENDING CHAPTER 122, "CONCURRENCY MANAGEMENT," BY AMENDING SECTION 122-5, "EXEMPTIONS FROM CONCURRENCY," TO EXEMPT USES AT THE FOLLOWING CITY-OWNED FACILITIES FROM THE CITY'S CONCURRENCY REQUIREMENTS: THE NORTH SHORE BANDSHELL, THE RONALD W. SHANE WATERSPORTS CENTER, AND THE MIAMI BEACH BOTANICAL GARDEN; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

RECOMMENDATION

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

HISTORY

On June 8, 2016, at the request of Commissioner Grieco, the City Commission referred the subject Ordinance amendment (Item C4O) to the Planning Board.

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 amendment is presently inconsistent with the Goals, Objectives, and Policies of the Comprehensive Plan. A proposed amendment to the Comprehensive Plan regarding Intermodal Transit Facilities will authorize the City Commission to waive concurrency requirements through an amendment of the Land Development Regulations.

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

Not applicable – The proposed amendment does not modify 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 modify the scale of development.

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

Consistent – The proposal will not modify the intensity of development or allow for a greater load on public facilities than is currently permitted.

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

Not applicable – The proposed change does not modify existing district boundaries.

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

Consistent – The need to facilitate the construction of certain public facilities makes the proposed change necessary.

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

Consistent – The proposed change will not adversely affect living conditions in the neighborhood.

8. **Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

Partially Consistent – The proposed change will not allow for additional intensity of development than what is currently permitted. However, the City does not expect major changes to the operation of the facilities on a daily basis; therefore, the impacts will be minimal.

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 areas.

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

Consistent – The proposed change should not adversely affect property values in the adjacent areas.

11. **Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

Consistent – The proposal will not be a deterrent to the improvement or development of adjacent property. It will facilitate the construction of public infrastructure in certain areas, which is typically encourages the improvement of nearby 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.

ANALYSIS

The concurrency fee is a one-time fee and is not assessed yearly, but runs with the use as long as it continues. The concurrency fee is based on the number of trips to the establishment generated pursuant to the trip generation rates in the Institute of Traffic Engineers (ITE) Trip Generation Manual. The concurrency fee is based on the costs to the City to mitigate traffic to the area and is divided into three geographical areas: South Beach, below Dade Boulevard; Middle Beach, below 63rd Street to Dade Boulevard; and North Beach, below the City Line to 63rd Street.

Currently, Section 122-5 of the Land Development Regulations of the City Code contains nine specific exemptions from obtaining a preliminary concurrency determination or a final concurrency reservation certificate. The proposed Ordinance amendment would establish a tenth exemption as follows:

(10) Uses at the North Shore Bandshell, the Ronald W. Shane Watersports Center, and the Miami Beach Botanical Garden.

The proposed amendment is intended to facilitate the activation of the three sites listed in the amendment. Specifically, the following uses are proposed:

- North Shore Bandshell (GU): Outdoor music venue and hall for hire
- Ronald W. Shane Watersports Center (GU): Sports Center and hall for hire
- Miami Beach Botanical Garden (CCC): Garden Center and hall for hire

The proposed amendment would exempt those uses from a concurrency review and paying a concurrency fee, which could significantly increase costs to the operating organizations. As the facilities are run by non-profit organizations, it is important that the facilities be able to direct as much revenue as possible to providing services to the community.

RECOMMENDATION

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

TRM/MAB/RAM