

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: February 26, 2019

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 19-0266. Alton Gateway Amendments.**

REQUEST

PB 19-0266. Alton Gateway Amendments. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II ENTITLED "DISTRICT REGULATIONS," DIVISION 5, ENTITLED "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," AT SECTION 142-311, ENTITLED "ALTON ROAD GATEWAY AREA DEVELOPMENT REGULATIONS," TO INCLUDE MODIFICATIONS TO BUILDING SETBACKS, PEDESTRIAN PATH REQUIREMENTS, BUILDING HEIGHT FOR NON-RESIDENTIAL STRUCTURES, AND GREEN SPACE REQUIREMENTS; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

RECOMMENDATION

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

HISTORY

On January 23, 2019, at the request of Mayor Dan Gelber, the City Commission referred the proposed ordinance amendment to the Land Use and Development Committee and Planning Board (Item R9 D).

The Land Use and Development Committee is scheduled to review the proposed amendment on February 20, 2019.

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.**

Consistent – The proposed ordinance 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.**

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 amendment is not out of scale with the surrounding neighborhood.

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.

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.**

Consistent – The need to ensure that a viable development that includes large public open spaces is possible makes passage of the proposed change necessary.

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

Consistent – The proposed ordinance amendment 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.**

Consistent – The proposed change will not create or increase traffic congestion from what is currently permitted.

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

Consistent – The proposed change 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 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.**

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 can be utilized for any area of the City where a development agreement is approved, which may include areas vulnerable to the impacts of sea level rise.

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

Consistent – 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 will allow for the open space to contain underground cisterns which will aid with the City's sea level rise mitigation and resiliency efforts.

ANALYSIS

On December 12, 2018, the City Commission approved an amendment to the Land Development Regulations to establish the Alton Road Gateway Area Development Regulations for the CD-2 zoning district. This amendment was a companion to a development agreement that allowed for a street vacation to create a large unified development site which will accommodate a 519 foot tall tower and a three (3) acre public park between 500 and 700 Alton Road.

As the site planning for the proposed development has moved forward, it has become apparent that minor tweaks are necessary in order to ensure the viability of the development and improve its ability to enhance the resiliency of the City due to sea level rise.

The proposed ordinance modifies the Alton Road Gateway Area as follows:

1. **Modifies the setback on West Avenue from 35 feet to 20 feet.** This provides for a setback that is consistent with other multifamily residential districts in the vicinity.
2. **Modifies the requirement for the “clear pedestrian path” along West Avenue, Alton Road, and 5th Street/Mac Arthur Causeway from a minimum width of 10 feet to 5 feet.** Since the development will include an elevated walking trail that encircles the development and the park, additional flexibility can be provided for the clear pedestrian path without sacrificing mobility.
3. **Increases the height limit for non-residential from 25 feet to 40 feet.** The proposal is compatible with the heights of other commercial buildings along Alton Road which have height limits of 50 to 60 feet.
4. **Modifies the requirement that the green space be free from underground structures to allow for “non-habitable utility structures.”** This will allow for open space to incorporate a cistern which can be utilized to enhance the City’s ability to deal with storm water in light of sea level rise.
5. **Allows for elevated pedestrian walkways to be constructed over the green space.** This will allow for the walking path that will encircle the development to be constructed and provided as a recreational amenity.

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

F:\PLAN\PLB\2019\2-26-19\PB19-0266 - ORD - Alton Road Gateway\PB19-0266 Alton Road Gateway Amendments Feb 19 PB Memo.docx

Alton Gateway Development Regulation Amendments

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II ENTITLED "DISTRICT REGULATIONS," DIVISION 5, ENTITLED "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," AT SECTION 142-311, ENTITLED "ALTON ROAD GATEWAY AREA DEVELOPMENT REGULATIONS," TO INCLUDE MODIFICATIONS TO BUILDING SETBACKS, PEDESTRIAN PATH REQUIREMENTS, BUILDING HEIGHT FOR NON-RESIDENTIAL STRUCTURES, AND GREEN SPACE REQUIREMENTS; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

WHEREAS, the entrance to the South Beach neighborhood of the City of Miami Beach via the MacArthur Causeway provides an important first impression to residents, guests, and workers; and

WHEREAS, the City intends to create an attractive entrance into the City of Miami Beach adjacent to the MacArthur Causeway; and

WHEREAS, on December 12, 2018 the City Commission adopted Ordinance 2018-4228, which created the Alton Road Gateway Area Development Regulations; and

WHEREAS, the Alton Road Gateway Area Development Regulations establish a set of standards governing development for an assemblage of land on the west side of Alton Road between Fifth Street and Eighth Street; and

WHEREAS, on December 12, 2018, the City Commission adopted Resolution No. 2018-30647, following Second Reading and a public hearing, approving a Development Agreement between the City and South Beach Heights I, LLC, 500 Alton Road Ventures, LLC, 1220 Sixth, LLC, and KGM Equities, LLC; and

WHEREAS, the Development Agreement contemplated the development of land located within the Alton Road Gateway Area with a mixed-used residential and commercial development to include a public park and other public and private amenities; and

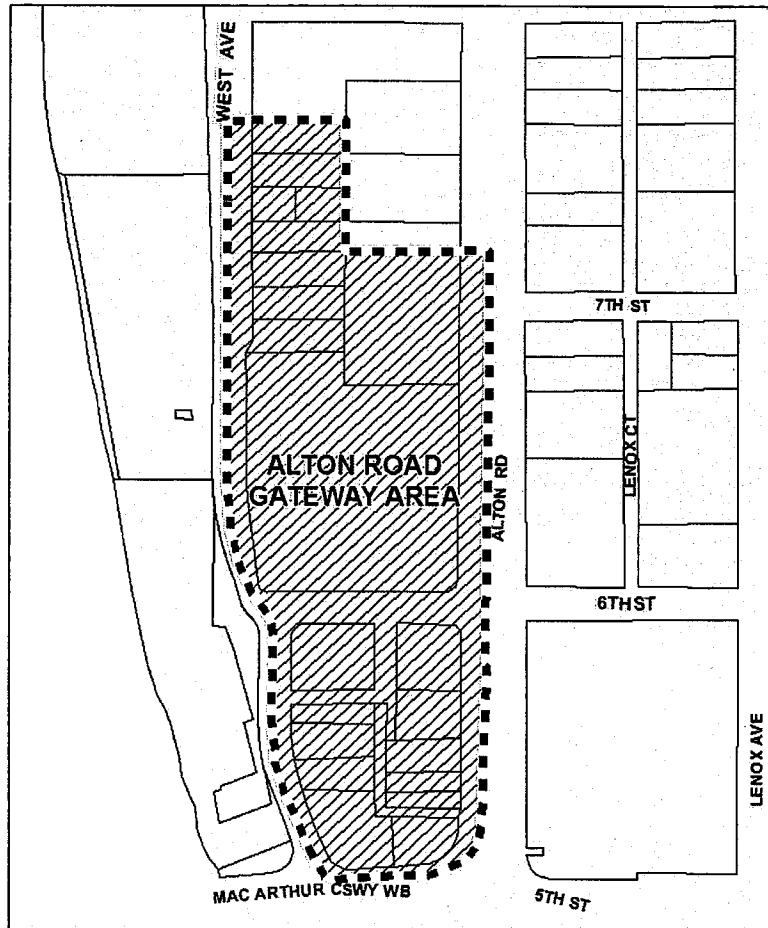
WHEREAS, the City Commission now desires to amend the Alton Road Gateway Area Development Regulations to incorporate the modifications set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. Chapter 142 of the City Code, entitled "Zoning Districts And Regulations," Article II, "District Regulations," Division 5, "CD-2 Commercial, Medium Intensity," is hereby amended as follows:

Sec. 142-311 – Alton Road Gateway Area Development Regulations.

- (a) The Alton Road Gateway Area incorporates the parcels in the area bounded by 8th Street on the north, Alton Road on the east, 5th Street/MacArthur Causeway/SR A1A on the south, and West Avenue on the west; excluding lots 15 through 22 of the Amended Fleetwood Subdivision, according to the plat thereof recorded in Plat Book 28, page 34, of the Public Records of Miami-Dade County, Florida; as depicted in the map below:



- (b) The following regulations shall apply to the properties located within the Alton Road Gateway Area; where there is conflict within this division, the regulations below shall apply:
- (1) **Prohibited uses.** In addition to the prohibited uses identified in Section 142-305, the following uses shall also be prohibited: accessory outdoor bar counters, hostels, hotels, apartment hotels, suite hotels, outdoor entertainment establishments, neighborhood impact establishments, open air entertainment establishments, bars, dance halls, entertainment establishments (as defined in Section 114-1), exterior alcoholic beverage service after 12:00 a.m., interior alcoholic beverage service after 2:00 a.m., package stores, any use selling gasoline, storage and/or parking of commercial vehicles on site other than the site at which the associated trade or business is located, (in accordance with Section 142-1103), pawnshops, secondhand dealers of precious metals/precious metals dealers, check cashing stores, convenience stores, occult science establishments, souvenir and t-shirt shops, and tattoo studios.
 - (2) **Setbacks.** The setbacks established in Section 142-307 are modified as follows:
 - a. Minimum setback from Alton Road: 10 feet for residential and non-residential buildings; 0 feet for elevated open walkways.

- b. Minimum setback from West Avenue: ~~35~~ 20 feet; 0 feet for elevated open walkways.
 - c. Minimum setback from 5th Street/Mac Arthur Causeway: 20 feet; 0 feet for elevated open walkways.
- (3) ***Clear Pedestrian Path.*** A minimum ~~10~~ foot-wide “clear pedestrian path,” free from obstructions including but not limited to, outdoor cafes, sidewalk cafes, landscaping, signage, utilities, and lighting, shall be maintained along all frontages as follows:
- a. The “clear pedestrian path” may only utilize public sidewalk and setback areas. The path shall be a minimum of 10 feet wide, except along the portions of West Avenue, Alton Road, and 5th Street/Mac Arthur Causeway south of 6th Street, where it shall be a minimum of 5 feet wide.
 - b. Pedestrians shall have 24-hour access to “clear pedestrian paths.”
 - c. Clear pedestrian paths shall be well lit and consistent with the City’s lighting policies.
 - d. Clear pedestrian paths shall be designed as an extension of the adjacent public sidewalk.
 - e. Clear pedestrian paths shall be delineated by in-ground markers that are flush with the path, differing pavement tones, pavement type, or other method to be approved by the Planning Director.
 - f. An easement to the City providing for perpetual public access shall be provided for portions of clear pedestrian paths that fall within the setback area.
- (4) ***Height.*** The maximum height for a main use residential building: 519 feet. The maximum height for non-residential structures: ~~25~~ 40 feet. Height shall be measured from the base flood elevation, plus freeboard, provided that the height of the first floor shall be tall enough to allow the first floor to eventually be elevated to base flood elevation, plus freeboard, with a future minimum interior height of at least 12 feet as measured from the height of the future elevated adjacent right-of-way as provided under the City’s Public Works Manual.
- (5) ***Floor plate.*** The maximum floor plate size for the tower portion of a residential building is 17,500 square feet, including projecting balconies, per floor.
- (6) ***Residential Buildings Containing Parking.*** Main use residential buildings containing parking, are not required to provide residential or commercial uses at the first level along every façade facing a street or sidewalk as required in Section 142-308(a). However, the first level shall be architecturally treated to conceal parking, loading, and all internal elements, such as plumbing pipes, fans, ducts, and lighting from public view.
- (7) ***Green space.*** A minimum of 3.0 acres of open green space shall be located within the Alton Road Gateway Area. For purposes of this section, green space shall mean open areas that are free from buildings, structures, pavilions, driveways, parking spaces, and underground structures (except non-habitable utility structures). However, sun shade structures, open on all sides, and elevated pedestrian walks may be permitted. Open

green space areas shall consist primarily of landscaped open areas, pedestrian and bicycle pathways, plazas, playgrounds, and other recreational amenities.

SECTION 2. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, 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, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and, the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 3. REPEALER.

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

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 _____, 2019.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado City Clerk

First Reading:

Second Reading:

(Sponsor: Mayor Dan Gelber)

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

Underscore denotes new language

~~Strikethrough~~ denotes removed language