

# MIAMI BEACH

## PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members  
Planning Board

DATE: September 27, 2016

FROM: Thomas R. Mooney, AICP  
Planning Director

SUBJECT: **PB File No. PB16-0047. Belle Isle - Comp Plan Amendments**  
**PB File No. PB16-0048. Belle Isle District Overlay - LDR Amendments**

### **REQUESTS**

**PB File No. PB16-0047. BELLE ISLE - COMP PLAN AMENDMENTS. AN ORDINANCE** OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING POLICY 1.2 OF THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN PURSUANT TO THE PROCEDURES IN SECTION 163.3184(3), FLORIDA STATUTES, BY MODIFYING THE LOW DENSITY MULTI FAMILY RESIDENTIAL (RM-1) FUTURE LAND USE CATEGORY TO ESTABLISH THE "BELLE ISLE DISTRICT OVERLAY," IN ORDER TO ALLOW HOTELS AS A MAIN PERMITTED USE, AND PERMITTING ACCESSORY USES CUSTOMARILY UTILIZED WITH HOTELS AND DESIGNATING THE BELLE ISLE DISTRICT OVERLAY IN THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN, TRANSMITTAL; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

**PB FILE NO. PB16-0048. BELLE ISLE DISTRICT OVERLAY - LDR AMENDMENTS. AN ORDINANCE** OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE III "OVERLAY DISTRICTS;" BY CREATING "DIVISION 10 - THE BELLE ISLE DISTRICT OVERLAY;" TO ALLOW HOTELS AS MAIN PERMITTED USES, AND PERMITTING ACCESSORY USES, INCLUDING ACCESSORRY USES EXISTING AT THE TIME OF THE PLANNING BOARD HEARING, SUCH AS RESTAURANTS, CAFES, SPAS, RETAIL STORES, GYMS, DINING ROOMS AND OTHER ACCESSORY USES CUSTOMARILY ASSOCIATED WITH THE OPERATION OF AN APARTMENT BUILDING, AS REFERENCED IN SUBSECTION 142-902(2); PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

### **RECOMMENDATION:**

Transmit the proposed Comprehensive Plan and Land Development Regulation (LDR) Amendments to the City Commission with a favorable recommendation.

### **HISTORY/ BACKGROUND**

On April 13, 2016, at the request of Commissioner Arriola, the City Commission referred an ordinance amendment pertaining to non-conforming hotel uses to the Land Use and Development Committee (Item C4R).

On April 20, 2016, the Land Use Committee discussed the proposal and recommended that the City Commission refer the proposed ordinance to the Planning Board.

On May 11, 2016, the City Commission referred the proposed ordinance to the Planning Board (Item C4F).

### **ZONING / SITE DATA**

**Legal Description:**

The northwest portion of Belle Isle, commencing on the north side right-of-way of Venetian Way and terminating at Lot 39 of the Amended Plat of Belle Isle, as recorded in Plat Book 5 at Page 11, of the Public Records of Miami-Dade County, Florida

**Site Area:** ~ 134,204 SF / 3.08 acres

**Existing FLUM Category:** RM-1

**Proposed FLUM Category:** RM-1 with Belle Isle Overlay District

**Existing Zoning Designation:** RM-1

**Proposed Zoning Designation:** RM-1 with Belle Isle Overlay District

**Existing Land Uses:**

North:	Biscayne Bay
East:	Residential
South:	Residential
West:	Biscayne Bay

### **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 LDR change is consistent with Comprehensive Plan as proposed to be amended.

There is no applicable neighborhood or redevelopment plan.

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

**Consistent** – The proposed amendment does not create an isolated district, and will allow for development that is compatible with the surrounding area.

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

**Consistent** – The proposed amendments will not allow for development that is out of scale with the needs of the surrounding neighborhood and the City.

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

**Consistent** – The proposed ordinance does not increase the development capacity for the area and would not tax the existing load on public facilities. Additionally, hotel uses typically generate fewer peak hour trips than a residential uses and have lower impacts on recreation facilities. However, such impacts to adopted levels of service will be determined and mitigated prior to any development obtaining a building permit.

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

**Consistent** – The Overlay district boundary was drawn to reflect the area of Belle Isle that currently contains legally non-conforming hotel uses.

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

**Consistent** – The need to address sea level rise and parking and transportation issues for existing hotel uses makes the proposed change necessary.

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

**Consistent** – The proposed amendments should not adversely influence living conditions in the surrounding neighborhood as it is intended to allow for the development of parking that will reduce the impacts of existing hotel uses on 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** – A preliminary concurrency analysis indicates that the proposed changes 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. However, a concurrency analysis and mitigation shall be required prior to the issuance of a building permit.

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

**Consistent** – The proposed changes does not modify the scale of development and will not seriously reduce light and air to adjacent areas.

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

**Consistent** – Property values should not be negatively impacted. This ordinance will allow for the existing non-conforming hotel uses to become conforming.

**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 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.**

**Consistent** – Although the properties can be used in accordance with existing zoning, the proposed overlay district provides that the existing non-conforming uses within the Overlay district become conforming uses. This would allow for improvements to be made without the need to abandon the currently non-conforming hotel uses.

**13. Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

**Consistent** – While hotels are permitted in other areas of the City, the intent of this amendment is to allow an existing hotel to remain within the boudnaries of the Overlay district.

**ANALYSIS**

An Overlay District is being proposed in order to allow tangible improvements to hotels located on Belle Isle. The area has an underlying future land use and zoning designation of RM-1. There is presently one hotel located within the area on a site over 2.3 acres, which is the Standard Hotel (AKA Lido Spa Hotel).

Attached is a copy of the proposed overlay Comprehensive Plan Amendment and Land Development Regulation Ordinances. The following is a summary of the proposed modifications to the Land Development Regulations:

- Allow hotels as a main permitted use on sites with a minimum of 2.3 acres.
- Allow restaurants, cafes, spas, retail stores, gyms, dining rooms and other accessory uses customarily associated with the operation of an apartment building as accessory uses to hotels.
- Allow accessory uses to hotels to be open to the public.

Since the overlay adds hotel uses as a main permitted uses, a Comprehensive Plan amendment is necessary to allow for the use to be consistent with the underlying Future Land Use designation.

The Standard Hotel currently contains the uses that would be permitted by the overlay. However, since the hotel is a legally non-conforming use, if repairs or modifications were made to the structure that exceeded 50 percent of its value, the non-conforming use would have to cease. The proposed ordinance would make hotels a permitted use, and thus allow repairs and modifications to be made to the structure without requiring the uses to cease operation. It is expected that the structure will be modified to mitigate for the impacts of sea level rise and to incorporate additional off-street parking in order to reduce vehicular and traffic impacts to the surrounding community.

### **Comprehensive Plan Issues**

This application includes a text amendment to the Policy 1.2 of the Future Land Use element of the Comprehensive Plan. Under Section 163.3184(2), F.S., this amendment shall follow the expedited state review process for adoption of comprehensive plan amendments. This process requires a public hearing by the local planning agency (Planning Board), a public transmittal hearing before the City Commission, after which the amendment must be transmitted to several state agencies for a 30-day review period, and a final adoption public hearing before the City Commission. The amendment is effective 31 days after it is adopted if there are no appeals.

### **RECOMMENDATION**

In view of the foregoing analysis, staff recommends the following:

1. The request for an amendment to the Comprehensive Plan of the City of Miami Beach be transmitted to the City Commission with a favorable recommendation.
2. The proposed Ordinance amending chapter 142, "Zoning Districts and Regulations" Article III "Overlay Districts", creating Division 11 "Belle Isle Overlay", be transmitted to the City Commission with a favorable recommendation.

TRM/MAB/RAM

## Future Land Use Map

### Belle Isle Overlay

