

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Planning Board

TO: Chairperson and Members  
Planning Board

DATE: February 28, 2017

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **6881 Indian Creek Drive**  
**PB16-0093 – Future Land Use Map (FLUM) Amendment.**  
**PB16-0092 – Zoning Map Amendment**

#### **REQUEST**

**PB16-0093 – 6881 INDIAN CREEK DRIVE. – FLUM AMENDMENT.** THE APPLICANT, THE CITY OF MIAMI BEACH, IS REQUESTING AN AMENDMENT TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF MIAMI BEACH PURSUANT TO SECTION 118-166 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, SECTION 163.3181, FLA. STAT., AND SECTION 163.3187, FLA. STAT., BY CHANGING THE FUTURE LAND USE DESIGNATION FOR THE PARCEL 6881 INDIAN CREEK DRIVE, AND WHICH IS COMPRISED OF LESS THAN 10 ACRES, FROM THE CURRENT “LOW INTENSITY RESIDENTIAL MULTIFAMILY CATEGORY (RM-1),” TO THE FUTURE LAND USE CATEGORY OF “NORTH BEACH TOWN CENTER RESIDENTIAL/OFFICE (TC-3).”

**PB16-0092 6881 INDIAN CREEK DRIVE. – ZONING MAP CHANGE.** THE APPLICANT, THE CITY OF MIAMI BEACH, IS REQUESTING AN AMENDMENT TO THE OFFICIAL ZONING DISTRICT MAP, REFERENCED IN SECTION 142-72 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 THE PARCEL 6881 INDIAN CREEK DRIVE AND WHICH IS COMPRISED OF LESS THAN 10 ACRES, FROM THE CURRENT RM-1, “RESIDENTIAL MULTIFAMILY LOW INTENSITY DISTRICT,” TO TC-3, “NORTH BEACH TOWN CENTER RESIDENTIAL/OFFICE.”

#### **RECOMMENDATION:**

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

#### **HISTORY/ BACKGROUND**

On September 14, 2016, at the request of the Commissioner Ricky Arriola, the City Commission referred the item to the Land Use and Development Committee (LUDC) and Planning Board (Item C4 L).

On September 21, 2016, the LUDC recommended in favor of the proposed comprehensive plan amendment and LDR amendment, including required map amendment.

## **ZONING / SITE DATA**

Site Area:	11,751 SF / 0.27 acres
Existing Zoning Designation:	RM-1, Residential Multifamily Low Intensity District
Proposed Zoning Designation:	TC-3, North Beach Town center Residential/Office
Existing FLUM Category:	Low Intensity Residential Multifamily Category (RM-1)
Proposed FLUM Category:	North Beach Town Center Residential/Office (TC-3)
Existing Land Uses:	
North:	69 <sup>th</sup> Street//Multifamily Building
East:	Byron Avenue/ Multifamily Buildings
South:	Indian Creek Drive
West:	Indian Creek Drive/Police and Fire Stations

## **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.

Since the TC-3 Future Land Use Category allows for mixed-use development, the proposed Future Land Use Map amendment is consistent with *Objective 3: Innovative Development* of the City of Miami Beach 2025 Comprehensive Plan which states:

*The land development regulations shall continue to be consistent with s.163.3202, F.S. and with the Future Land Use map, consistent with sound planning principles, minimal natural limitations, the goals, objectives and policies contained within this plan, and the desired community character, and which shall emphasize innovative land development techniques, such as mixed use development.*

The proposed Zoning Map change to TC-3, is consistent with the purpose of the TC-3 Future Land Use Category designation:

*Purpose: To provide development opportunities for and to enhance the desirability and quality of existing and/or new low intensity commercial areas which primarily serve surrounding residential neighborhoods.*

The area is located within the boundaries of the North Beach Master Plan; however, the plan does not include specific recommendations for the affected parcel.

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

**Consistent** – The proposed change to TC-3 will match the future land use designation and zoning map designation of the parcels to the north, and will ensure that the use of the site remains compatible with the surrounding area.

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

**Consistent** – Both the existing and proposed future land use designations allow for development of buildings with the same maximum intensity and density.

The current “Low Density Multi Family Residential Category (RM-1)” Future Land Use designation provides for the following:

*Density Limits: 60 dwellings 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 1.25*

The proposed “Town Center Residential Office (TC-3)” future land use designation provides for the following:

*Density Limits: 60 dwelling units per acre.*

*Intensity Limits: a floor area ratio of 1.25*

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

**Consistent** – As the proposed amendment does not result in an increase in the density or intensity of what would otherwise be permitted on the existing RM-1 property, demands for city services, including parks and recreation, potable water, storm water drainage, sanitary sewer, solid waste, and public schools, should not be increased beyond what could otherwise be constructed on the site without the proposed amendment. The amendment would allow for office uses that could create additional vehicle trips, however, the increase is minimal and would not exceed the levels of service adopted in the Comprehensive Plan (See the attached Comprehensive Plan and Zoning Amendment Concurrency Analysis”).

**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 residential uses facing commercial uses. It is more appropriate to have commercial uses facing other commercial uses, to minimize impacts on residents. The proposed change is a logical extension of the future land use category and zoning district boundaries.

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

**Consistent** – The need to improve the economic conditions 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 currently contains functioning residential uses. However, residential uses would continue to be permitted under the proposed zoning designation, and there would be additional flexibility to provide office uses which may benefit the surrounding area.

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 6881 Indian Creek Drive has a Zoning and Future Land Use Classification of RM-1 (Residential Multi-Family, Low Intensity). See attached map. The

proposal is to change the designation to TC-3. The properties immediately to the north have the TC-3 designation, so this would be an extension of that district. The RM-1 and TC-3 designations allow for development of similar scales, so any future development would be compatible with the RM-1 districts to the east.

The TC-3 classification is a low intensity district that, in addition to the currently permitted residential uses, allows for office uses and hotels, which may assist in improving the economic conditions of the neighborhood and provide services to surrounding residents. In addition, the existing uses within the subject property are consistent with the proposed designation.

The TC-3 district also provides neighborhood oriented retail and services, small cafes, and hotels may be permitted as a conditional use, subject to Planning Board approval. Since the subject block proposed for rezoning is separated from adjacent RM-1 parcels by a street, the introduction of these limited non-residential uses, with Planning Board oversight is not expected to have adverse impacts.

Due to the small size of this area, the addition of office uses is not expected to significantly increase traffic congestion, and will not negatively impact other levels of services.

### **City Charter Issues**

The request for modifications to the Comprehensive Plan Future Land Use Map and Zoning Atlas are consistent with City Charter Section 1.03 (c), related to FAR, which partially states the following:

*The floor area ratio of any property or street end within the City of Miami Beach shall not be increased by zoning, transfer, or any other means from its current zone floor area ratio as it exists on the date of adoption of this Charter Amendment (November 7, 2001), including any limitations on floor area ratios which are in effect by virtue of development agreements through the full term of such agreements, unless such increase in zone floor area ratio for any such property shall first be approved by a vote of the electors of the City of Miami Beach.*

Both the RM-1 and TC-3 zoning designations have a maximum F.A.R. of 1.25. As the proposed zoning change to TC-3 does not increase the established F.A.R. for the subject parcels, the requested amendment complies with the requirements of the referenced Charter provision.

### **Comprehensive Plan Process**

The total land area involved in this application is 0.27 acres (11,751 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. The RM-1 future land use category allows a density of 60 units per acre. The

proposed TC-3 designation allows for the same maximum residential density. Therefore a preliminary school concurrency review is not necessary.

Currently there is no proposal for redevelopment on the site. 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.

TRM/MAB/RAM/AG



## ZONING/SITE MAP



City of Miami Beach Planning Board  
PB 16-0092 & pb 16-0093  
6881 Indian Creek Drive



PB16-0092 – Zoning Map Amendment

PB16-0093 – Future Land Use Map (FLUM) Amendment.

**MIAMI BEACH**  
PLANNING DEPARTMENT

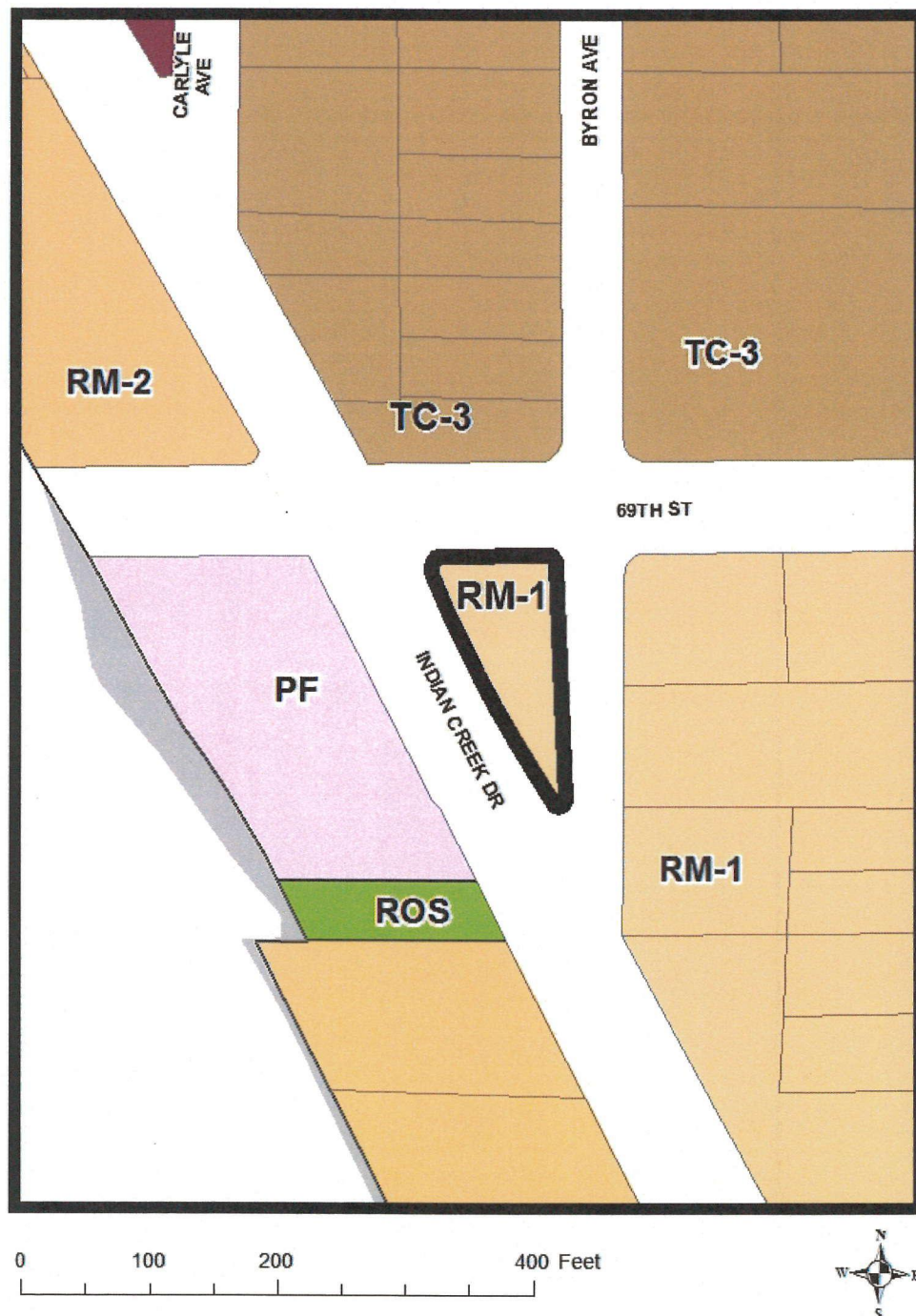
1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 P 305.673.7550 [www.miamibeachfl.gov](http://www.miamibeachfl.gov)





## Future Land Use (Existing)

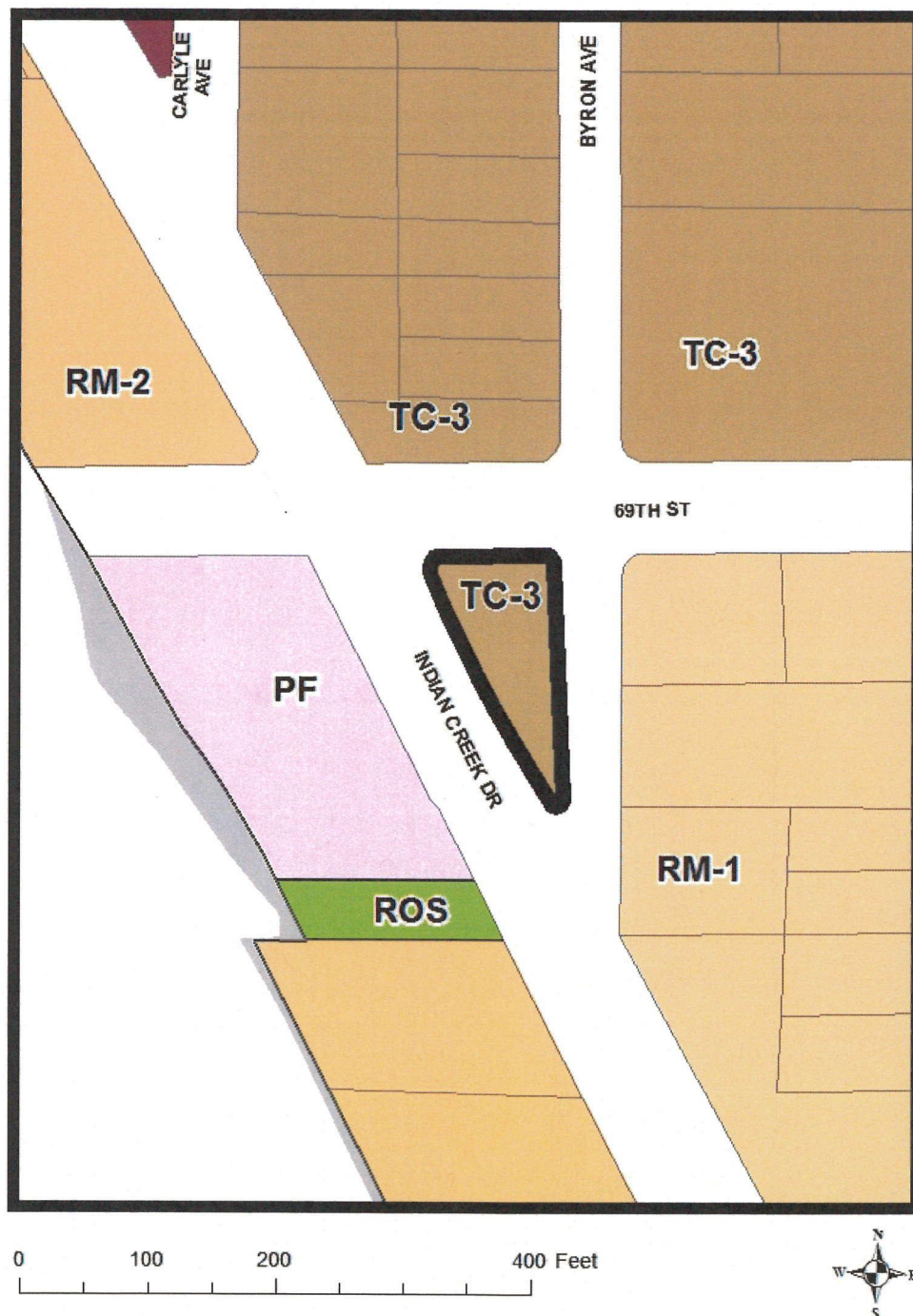
6881 Indian Creek Drive





## Future Land Use (Proposed)

6881 Indian Creek Drive



# MIAMI BEACH

PLANNING DEPARTMENT

## Comprehensive Plan and Zoning Amendment Concurrency Analysis

Date Prepared: 3/5/2014  
 Name of Project:  
 Address of Site: 6881 Indian Creek Drive

Concurrency Management Area: North Beach  
 Square Feet in the Amendment: 11,751  
 Acreage in the Amendment: 0.27

### Proposed FLUM Designation

Designation:

TC-3

Maximum Density	Maximum FAR
60	1.25

	Residential (Units)	Hotel (Rooms)	Retail (SF)	Office (SF)	Industrial (SF)	Proposed Total
Peak Hour Trips Generated*	N/A	N/A	N/A	21.89	N/A	21.89
Residential Demand	0.0	0.0				0.0

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

### Existing FLUM Designation

Designation:

RM-1

Maximum Density	Maximum FAR
60	1.25

	Residential (Units)	Hotel (Rooms)	Retail (SF)	Office (SF)	Industrial (SF)	Existing Total
Peak Hour Trips Generated*	12.63	N/A	N/A	N/A	N/A	12.63
Residential Demand	40.5	0.0				40.5

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

### Transportation Concurrency

New Trips Generated	Trip Allowances	Transit	15%
9.26 Trips		Pass-by	30%
		Mixed-use	10%
		Total	55%

Collins/Harding-Abbott/Indian Creek Sub Area

Capacity:	8,900 Trips
Existing Trips:	4,689 Trips
Net New Trips Generated:	4.17 Trips
Concurrent:	YES

### Parks and Recreation Concurrency

Net New Residential Demand: 0.0 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	YES
Designated Field Area	YES
Tot Lots	YES
Vita Course	YES
Boat Ramp	YES
Outdoor Amphitheater	YES
Activity Building for Multiple Uses	YES

Required Mitigation to be determined at Building Permit Application

### Potable Water Transmission Capacity

Proposed Demand:	0 Gallons Per Day
Existing Demand:	0 Gallons Per Day
New Demand:	0 Gallons

Concurrency to be determined at Building Permit Application

### Sanitary Sewer Transmission Capacity

Proposed Demand:	0 Gallons Per Day
Existing Demand:	5,665 Gallons Per Day
New Demand:	-5,665 Gallons

Concurrency to be determined at Building Permit Application

### Solid Waste Collection Capacity

Proposed Demand:	0 Tons Per Year
Existing Demand:	52 Tons Per Year
New Demand:	-52 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 – 6881 Indian Creek Drive**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, PURSUANT TO THE PROCEDURES IN SECTION 163.3184(3), FLORIDA STATUTES, TO AMEND THE FUTURE LAND USE MAP OF THE MIAMI BEACH COMPREHENSIVE PLAN, BY CHANGING THE DESIGNATION FOR THE PARCEL LOCATED AT 6881 INDIAN CREEK DRIVE, FROM THE CURRENT DESIGNATION OF RM-1, “RESIDENTIAL MULTIFAMILY, LOW INTENSITY”, TO THE PROPOSED DESIGNATION OF TC-3, “NORTH BEACH TOWN CENTER RESIDENTIAL/OFFICE”; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Miami Beach continues to seek and encourage economic development and preservation of architecturally significant buildings in North Beach; and

**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 development is 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 designations for the property described herein are hereby approved and adopted and the Planning Director is hereby directed to make the appropriate changes to the City’s Future Land Use Map:

A parcel of land located at 6881 Indian Creek Drive (Miami-Dade County Folio Nos. 02-3211-001-0750), as depicted in Exhibit “B,” from the current RM-1 “Residential Multifamily, Low Intensity,” to the proposed zoning classification TC-3, “North Beach Town Center Residential/Office.”

**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 31 days after adoption pursuant to Section 163.3187(2), Florida Statutes.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Philip Levine, Mayor

ATTEST:

\_\_\_\_\_  
Rafael E. Granado, City Clerk

APPROVED AS TO FORM  
AND LANGUAGE  
AND FOR EXECUTION

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

First Reading:  
Second Reading:

Verified by: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director



**REZONING – 6881 Indian Creek Drive**

**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 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL 6881 INDIAN CREEK DRIVE, FROM THE CURRENT ZONING CLASSIFICATION OF RM-1, “RESIDENTIAL MULTIFAMILY, LOW INTENSITY”, TO THE PROPOSED ZONING CLASSIFICATION OF TC-3, “NORTH BEACH TOWN CENTER RESIDENTIAL/OFFICE”; AND PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Miami Beach continues to seek and encourage economic development and preservation of architecturally significant buildings in North Beach; 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 the development is compatible 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. ZONING MAP AMENDMENT** The following amendment to the City’s zoning map designation for the property described herein are hereby approved and adopted and the Planning Director is hereby directed to make the appropriate changes to the zoning map of the City:

A parcel of land located at 6881 Indian Creek Drive (Miami-Dade County Folio Nos. 02-3211-001-0750), as depicted in Exhibit “B,” from the current RM-1 “Residential Multifamily, Low Intensity,” to the proposed zoning classification TC-3, “North Beach Town Center Residential/Office.”

**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 31 days after adoption to correspond to the adoption date of the Future Land Use Map of the City's Comprehensive Plan.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Philip Levine, Mayor

ATTEST:

\_\_\_\_\_  
Rafael E. Granado, City Clerk

APPROVED AS TO FORM  
AND LANGUAGE  
AND FOR EXECUTION

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

First Reading:  
Second Reading:

Verified by: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director