

MIAMI BEACH

PLANNING DEPARTMENT

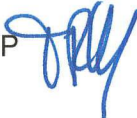
Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: June 27, 2017

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 17-0132. North Beach Yard – Comp Plan Amendments.**
PB 17-0133. North Beach Yard – Concurrency Exptions & Waiver of Dev. Regs. & Uses.

REQUESTS

PB 17-0132. NORTH BEACH YARD – 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 PUBLIC FACILITIES: GOVERNMENTAL USES (PF) CATEGORY IN ORDER TO ALLOW FOR COMMERCIAL USES AS MAIN PERMITTED USES; AND AMENDING THE FUTURE LAND USE MAP DESIGNATION FOR THE PROPERTIES LOCATED IN THE AREA BOUNDED BY COLLINS AVENUE ON THE EAST, 87TH STREET ON THE NORTH, COLLINS COURT ON THE WEST, AND 79TH STREET ON THE SOUTH FROM “LOW DENSITY MULTI FAMILY RESIDENTIAL CATEGORY (RM-1)” TO “PUBLIC FACILITY: GOVERNMENTAL USES (PF);” PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN, TRANSMITTAL; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

PB 17-0133. NORTH BEACH YARD – CONCURRENCY EXEMPTIONS AND WAIVER OF DEVELOPMENT REGULATIONS AND USES. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 122, ENTITLED “CONCURRENCY MANAGEMENT,” SECTION 122-5, ENTITLED “EXEMPTIONS FROM CONCURRENCY” TO ALLOW THE CITY COMMISSION TO WAIVE USES ON LOTS WITH A GU ZONING DESIGNATION FRONTING COLLINS AVENUE BETWEEN 79TH STREET AND 87TH STREET FROM CONCURRENCY REQUIREMENTS BY RESOLUTION; BY AMENDING CHAPTER 142, ENTITLED “ZONING DISTRICTS AND REGULATIONS”, ARTICLE II, ENTITLED “DISTRICT REGULATIONS”, DIVISION 9, ENTITLED “GU GOVERNMENT USE DISTRICT,” IN ORDER TO ALLOW THE CITY COMMISSION TO WAIVE DEVELOPMENT REGULATIONS FOR PRIVATE USES APPROVED BY THE CITY COMMISSION FOR A PERIOD OF 10 YEARS OR LESS ON GU LOTS; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

RECOMMENDATION:

Discuss the proposed options and transmit the preferred amendment to the City Commission with a favorable recommendation.

HISTORY

On April 26, 2017, at the request of Commissioner Ricky Arriola, the City Commission referred the subject discussion item to the Land Use and Development Committee and the Planning Board (Item R9AG).

On May 10, 2017, the Land Use Committee discussed the item and Recommend in favor of the proposal, with the removal of apartments from the proposed Comprehensive Plan amendment.

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 uses proposed modifications are consistent with the Goals, Objectives, and Policies of the Comprehensive Plan as proposed to be amended.

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

Consistent – The proposed amendment does not modify the zoning designation of the subject area.

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 proposed ordinance will not increase the intensity of development.

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

Consistent – The existing boundaries are not proposed to be modified by the proposed Ordinance. The amendment to the Future Land Use Map makes the designation consistent with other government owned properties.

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

change necessary.

Consistent – The need to provide flexibility in the development and use of government owned property for transitional uses to encourage economic development in certain areas of the City, 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.

Consistent – The proposed change will not impact the levels of service set forth in the Comprehensive Plan.

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

Consistent – The proposal does not modify the scale of development and 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.

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

Consistent – The need to properly examine long-term uses for the site requires that the City provide flexibility for the near-term use of the property. The proposed amendment to the Land Development Regulations provides for the additional flexibility only for private uses that are approved for periods of 10 years or less.

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 – The City does not have many vacant sites available for such a use.

ANALYSIS

The subject Comprehensive Plan and LDR amendments pertain to a proposal to create the 'North Beach Yard', which is a community based, culinary incubator. The endeavor has been put forward by the operator of the existing 'Wynwood Yard' in Miami, which is located in the Wynwood area and provides an open area for food trucks, as well as other community based activities such as gardens, music, yoga and performances. The site identified for this concept in North Beach is located on the west side of Collins Avenue, between 81st and 82nd Street. All of the City owned lots on the west side of Collins Avenue from 79th-87th Streets are zoned 'Government Use (GU)' and the future land use category is 'Residential, Low Intensity (RM-1)'.

The following is a summary of the pertinent City Code and Comprehensive Plan amendments that are proposed:

Comprehensive Plan:

Under Sec 142-425(d) of the LDR's, "*no GU property may be used in a manner inconsistent with the comprehensive plan*". Under the current RM-1 Future Land Use Category of the Comprehensive Plan, commercial type uses such as that proposed by the North Beach Yard would be inconsistent with the Comprehensive Plan. In order to address this inconsistency, the following attached amendments have been drafted:

1. Change the current Future Land Use Map (FLUM) category from RM-1 to **Public Facility (PF)**
2. Amend the **Public Facility (PF)** portion of the Comprehensive Plan to allow for commercial uses as a permitted use.

This change would also bring previously approved uses (e.g. Ocean Rescue) into compliance with the comprehensive plan, as well as provide more flexibility for future uses.

City Code Development Regulations (LDR Chapter 142):

The proposal for the North Beach Yard could conflict with certain provisions of the Land Development Regulations of the City Code. In order to address any inconsistencies with the LDR's, rather than pursuing a number of single section ordinance amendments and variances, the attached text amendment to Sec. 142-425(d) of the City Code has been drafted. This amendment would allow for the City Commission to grant waivers for certain private uses located on GU properties.

Currently, GU waivers are limited to government facilities/uses, cultural organizations and not-for-profits. The proposed amendment would allow for private uses approved by the City Commission for a period of 10 years or less to be eligible for a City Commission waiver of development regulations, except for the historic preservation and design review processes. This amendment would also provide the City Commission with additional flexibility in the future.

Concurrency (LDR Chapter 122):

The proposal for the North Beach Yard would generate a concurrency requirement, which can only be satisfied by paying an expensive mitigation fee. Under Chapter 122 of the City Code, only very specific uses and areas of the City are eligible for concurrency waivers. The City Commission has recently amended this Chapter of the LDR's to allow for concurrency waivers for sidewalk cafes in North Beach, as well as waivers for the North Beach Bandshell and the Botanical Gardens.

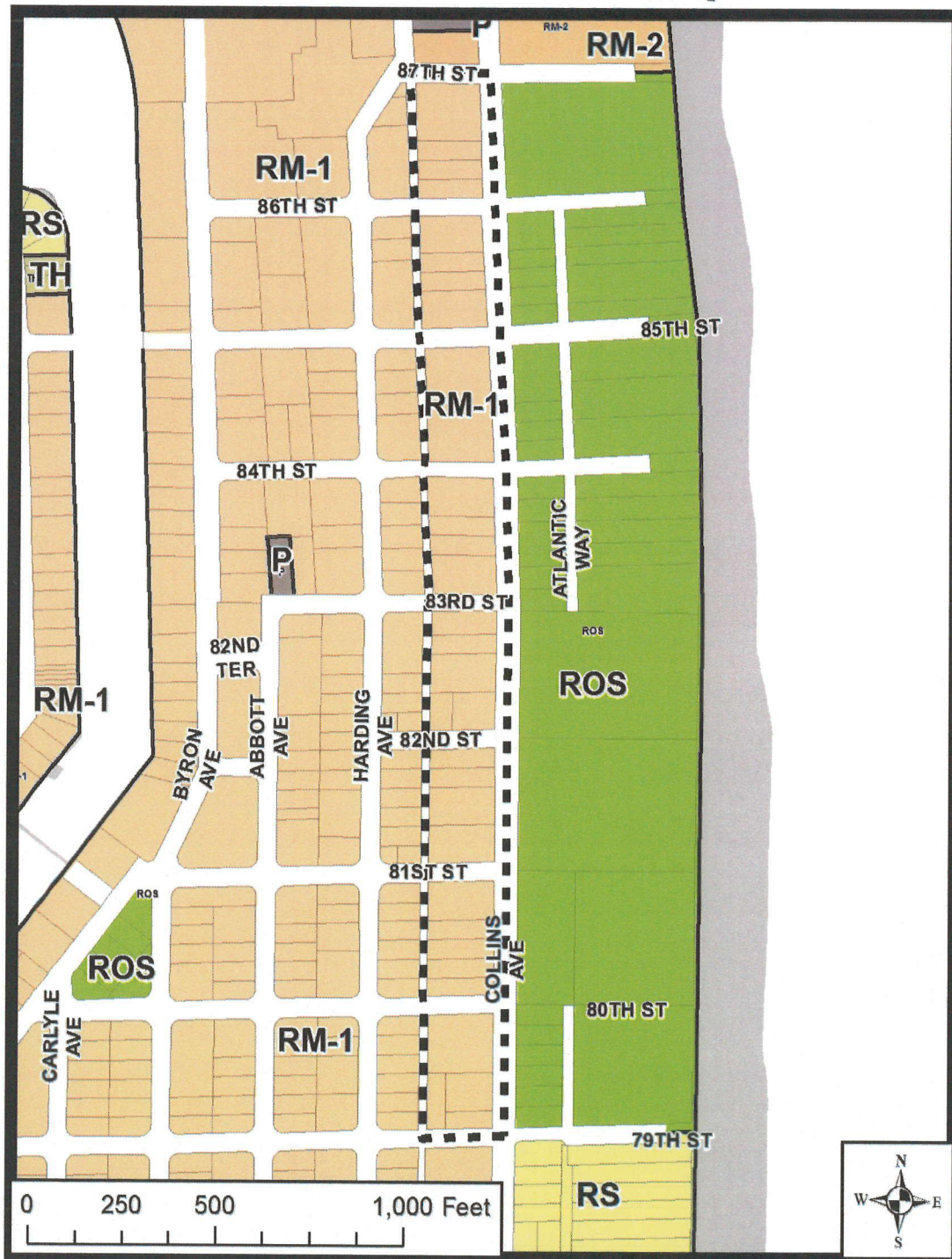
In order to address the aforementioned inconsistencies with the concurrency requirements of the code, the attached amendment to Chapter 122 has been drafted to give the City Commission the ability to waive concurrency requirements on the GU Lots located on Collins Avenue from 79th Street to 87th Street. Assuming this ordinance amendment is adopted, a subsequent Resolution formally waiving concurrency requirements would still be required.

RECOMMENDATION

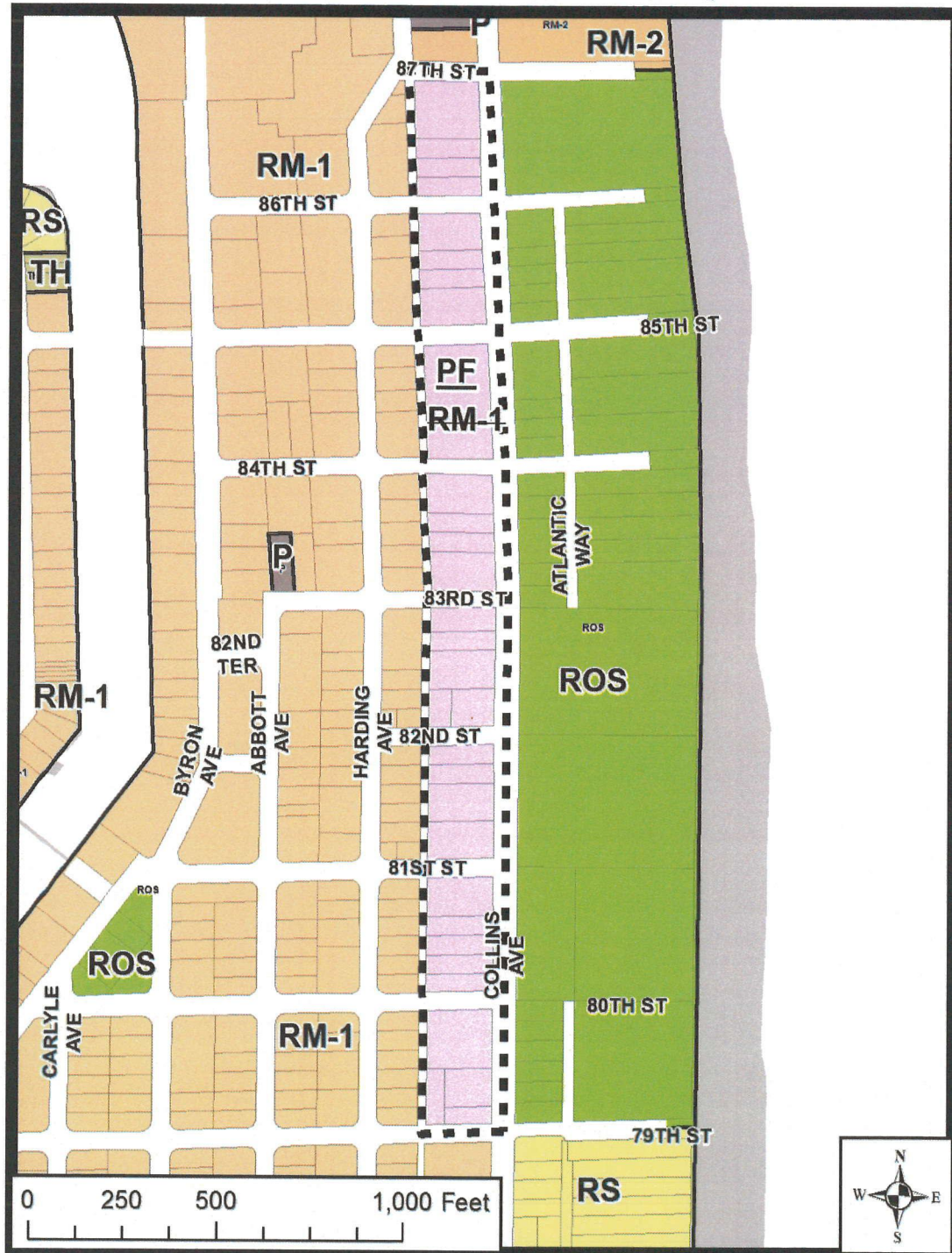
In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed Comprehensive Plan and Land Development Regulations amendments to the City Commission with a favorable recommendation.

TRM/MAB/RAM

Current Future Land Use Map



Proposed Future Land Use Map



COMPREHENSIVE PLAN – NORTH BEACH YARD

ORDINANCE NO. _____

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 PUBLIC FACILITIES: GOVERNMENTAL USES (PF) CATEGORY IN ORDER TO ALLOW FOR COMMERCIAL USES AS MAIN PERMITTED USES; AND AMENDING THE FUTURE LAND USE MAP DESIGNATION FOR THE PROPERTIES LOCATED IN THE AREA BOUNDED BY COLLINS AVENUE ON THE EAST, 87TH STREET ON THE NORTH, COLLINS COURT ON THE WEST, AND 79TH STREET ON THE SOUTH FROM "LOW DENSITY MULTI FAMILY RESIDENTIAL CATEGORY (RM-1)" TO "PUBLIC FACILITY: GOVERNMENTAL USES (PF);" PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN, TRANSMITTAL; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach seeks to activate the city-owned "West Lots" generally located west of Collins Avenue between 79th Street and 87th Street; and

WHEREAS, the West Lots currently have a future land use designation of RM-1; and

WHEREAS, the RM-1 is intended to allow for residential uses, which may be beneficial in the long-term; however, in the near term, additional uses are necessary to activate the sites; and

WHEREAS, commercial uses may complement government uses and facilities and facilitate the delivery of public services; 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. The following amendment to the "Public Facility: Governmental Uses (PF)" category in Policy 1.2 of the City's Comprehensive Plan Future Land Use Element is hereby adopted:

Public Facility: Governmental Uses (PF)

Purpose: To provide development opportunities for existing and new government uses.

Uses which may be permitted: Government uses, various types of commercial uses including business and professional offices, retail sales and service establishments, and eating and drinking establishments.

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.

SECTION 2. The following amendment to the destinations 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:

The parcels of land located in the area bounded by Collins Avenue on the east, 87th Street on the north, Collins Court on the west, and 79th Street on the south, as depicted in Exhibit "B," from the current "Low Density Multi Family Residential Category (RM-1)" to "Public Facility: Governmental Uses (PF)."

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. CODIFICATION.

It is the intention of the City Commission that this Ordinance be entered into the Comprehensive Plan, and it is hereby ordained that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word. The Exhibits to this Ordinance shall not be codified, but shall be kept on file with this Ordinance in the City Clerk's Office.

SECTION 6. 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 7. EFFECTIVE DATE.

This ordinance shall take effect 31 days after adoption pursuant to Section 163.3184(3) Florida Statutes.

PASSED and ADOPTED this ____ day of _____ 2017.

MAYOR

ATTEST:

CITY CLERK

First Reading/Transmittal: July 26, 2017
Second Reading/Adoption: September 13, 2017

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

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

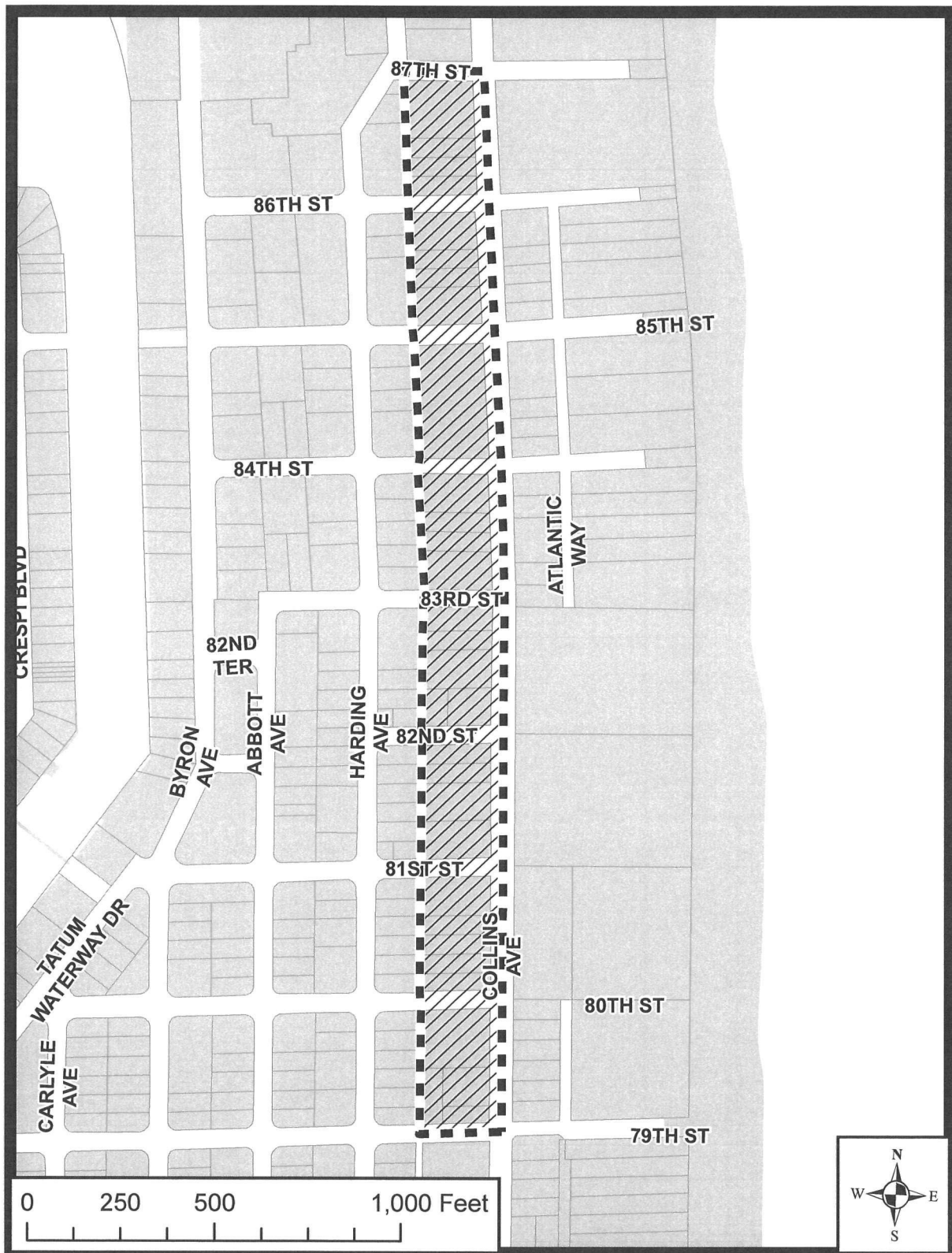
Date

Underline = new language

~~Strikethrough~~ = deleted language

"Exhibit B"

Properties located between
79th Street on the South, Collins Avenue on the East
87th Street on the North, and Collins Court on the West



LAND DEVELOPMENT REGULATIONS – NORTH BEACH YARD

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 122, ENTITLED "CONCURRENCY MANAGEMENT," SECTION 122-5, ENTITLED "EXEMPTIONS FROM CONCURRENCY" TO ALLOW THE CITY COMMISSION TO WAIVE USES ON LOTS WITH A GU ZONING DESIGNATION FRONTING COLLINS AVENUE BETWEEN 79TH STREET AND 87TH STREET FROM CONCURRENCY REQUIREMENTS BY RESOLUTION; BY AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS", ARTICLE II, ENTITLED "DISTRICT REGULATIONS", DIVISION 9, ENTITLED "GU GOVERNMENT USE DISTRICT," IN ORDER TO ALLOW THE CITY COMMISSION TO WAIVE DEVELOPMENT REGULATIONS FOR PRIVATE USES APPROVED BY THE CITY COMMISSION FOR A PERIOD OF 10 YEARS OR LESS ON GU LOTS; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach seeks to activate the city-owned "West Lots" generally located west of Collins Avenue between 79th Street and 87th Street; and

WHEREAS, the City of Miami Beach seeks to allow private commercial uses for periods of 10 years or less on a block of the West Lots in order to encourage economic development in North Beach; and

WHEREAS, in order to encourage commercial uses that will exist for periods of less than 10 years, waivers from the development regulations will be necessary; and

WHEREAS, exemptions from concurrency requirements will encourage the development of commercial uses that will exist for periods of less than 10 years; and

WHEREAS, the amendments set forth below are 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. That Chapter 122, entitled "Concurrency Management," Section 122-5, entitled "Exemptions from concurrency," of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

Sec. 122-5. - Exemptions from concurrency.

The following types of development are not required to obtain a preliminary concurrency determination or a final concurrency reservation certificate:

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*

- (11) Uses located on lots with a GU zoning designation fronting Collins Avenue between 79th Street and 87th Street, as determined by the city commission by resolution.

SECTION 2. That Chapter 142, entitled "Zoning Districts and Regulations", Article II, entitled "District Regulations", Division 9, entitled "GU Government Use District" of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

Sec. 142-425. - Development regulations.

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- (d) Following a public hearing, the development regulations required by these land development regulations, except for the historic preservation and design review processes, may be waived by a five-sevenths vote of the city commission for developments pertaining to governmental owned or leased buildings, uses and sites which are wholly used by, open and accessible to the general public, or used by not-for-profit, educational, or cultural organizations, or for convention center hotels, or convention center hotel accessory garages, or city utilized parking lots, provided they are continually used for such purposes. Notwithstanding the above, no GU property may be used in a manner inconsistent with the comprehensive plan. In all cases involving the use of GU property by the private sector, or joint government/private use, development shall conform to all development regulations in addition to all applicable sections contained in these land development regulations and shall be reviewed by the planning board prior to approval by the city commission. All such private or joint government/private uses are allowed to apply for any permittee variances ~~Private or joint government/private uses~~ and shall not be eligible to waive any regulations as described in this paragraph. ~~except for~~ However, not-for-profit, educational, or cultural organizations as set forth herein, or private uses approved by the City Commission for a period of 10 years or less, shall be eligible for a City Commission waiver of development regulations as described in this paragraph, except for the historic preservation and design review processes.

SECTION 2. REPEALER

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

SECTION 3. CODIFICATION

It is the intention of the City Commission, 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, as amended; that the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

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 _____, 2017.

Philip Levine, Mayor

ATTEST:

CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney Date

First Reading: _____, 2017
Second Reading: _____, 2017

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

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