

Canopy Park - Comprehensive Plan FLUM Amendment

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE MAP PURSUANT TO SECTION 2.4.1 OF THE LAND DEVELOPMENT REGULATIONS, AND PURSUANT TO SECTIONS 163.3181 AND SECTION 163.3187, FLORIDA STATUTES, BY CHANGING THE FUTURE LAND USE DESIGNATION FOR A PARCEL OF LAND LOCATED AT 701 WEST AVENUE, AND WHICH IS COMPRISED OF LESS THAN 10 ACRES, FROM THE CURRENT DESIGNATION OF CD-2, "COMMERCIAL, MEDIUM INTENSITY," TO THE FUTURE LAND USE CATEGORY OF ROS, "RECREATION AND OPEN SPACE"; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN, TRANSMITTAL, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, as part of the Development Agreement for the 500 Alton Road project, the Developer designed, constructed, and conveyed a 3.0-acre public park to the City of Miami Beach; and

WHEREAS, the park, located at 701 Alton Road, is a municipal park owned and operated by the City for the benefit of the general public; and

WHEREAS, on August 23, 2022, 82% of the City's voters voted to name the park as "Canopy Park"; and

WHEREAS, the Canopy Park property is currently classified on the future land use map as CD-2 (commercial, medium intensity), which was the future land use classification at the time of the original Development Agreement; and

WHEREAS, this Ordinance changes the future land use classification of Canopy Park to ROS, Recreation and Open Space; and

WHEREAS, Policy 1.1 of the Future Land Use Element of the Comprehensive Plan, in pertinent part, states that the City shall "[c]ontinue to administer land development regulations (LDR) consistent with s.163.3202, Florida Statutes that shall contain specific and detailed provisions required to implement the adopted Comprehensive Plan and which as a minimum:...(2) [r]egulate the use of land and water consistent with this Element and ensure the compatibility of adjacent land uses and provide for open space"; and

WHEREAS, changing the Comprehensive Plan designation of the subject parcel, as provided herein, is necessary to ensure that any future use of the site is consistent with the approved park use; and

WHEREAS, the City of Miami Beach has the authority to enact laws which promote the public health, safety, and general welfare of its citizens; 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 City of Miami Beach 2040 Comprehensive Plan, Future Land Use Map designation for the property described herein is hereby approved and adopted and the Planning Director is hereby directed to make the appropriate change to the City of Miami Beach 2040 Comprehensive Plan, Future Land Use Map:

A parcel of land generally located at 701 West Avenue (Miami-Dade County Folio 02-4203-001-0095), of approximately 130,768 square feet (3.002 acres) in size, as depicted in Exhibit "A," from the current CD-2, "Commercial, Medium Intensity" designation to the proposed designation of ROS, "Recreation and Open Space."

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 10 days after adoption.

PASSED AND ADOPTED this ____ day of _____, 2024.

ATTEST:

Rafael E. Granado, City Clerk

Steven Meiner, Mayor

First Reading: November 20, 2024
Second Reading: January __, 2025

APPROVED AS TO
FORM AND LANGUAGE
AND FOR EXECUTION

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



City Attorney NK

11/21/2024
Date

EXHIBIT A

(Legal Description)

LAND DESCRIPTION: (PARK)

A PORTION OF LOTS 1 THROUGH 14, INCLUSIVE, AND A PORTION OF LOTS 23 THROUGH 32, INCLUSIVE, BLOCK 2, "AMENDED PLAT FLEETWOOD SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28 AT PAGE 34, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID LOT 1;

THENCE SOUTH 89°37'30" WEST ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 111.13 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE NORTHEAST;

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 73°36'39" AND AN ARC DISTANCE OF 19.27 FEET;

THENCE NORTH 16°45'51" WEST, A DISTANCE OF 51.32 FEET;

THENCE NORTH 11°41'42" WEST, A DISTANCE OF 50.99 FEET;

THENCE NORTH 00°22'51" WEST ALONG THE WEST LINE OF SAID BLOCK 2, A DISTANCE OF 250.00 FEET;

THENCE NORTH 89°37'30" EAST ALONG THE NORTH LINE OF SAID LOT 7, A DISTANCE OF 10.00 FEET;

THENCE NORTH 00°22'51" WEST ALONG A LINE 10 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID BLOCK 2, A DISTANCE OF 350.00 FEET;

THENCE NORTH 89°37'00" EAST ALONG THE NORTH LINE OF SAID LOT 14, A DISTANCE OF 140.00 FEET;

THENCE SOUTH 00°22'51" EAST ALONG THE EAST LINE OF SAID LOTS 14 THROUGH 11, A DISTANCE OF 200.00 FEET;

THENCE NORTH 89°37'30" EAST ALONG THE NORTH LINE OF SAID LOT 23, A DISTANCE OF 170.00 FEET;

THENCE SOUTH 00°22'51" EAST ALONG THE EAST LINE OF SAID BLOCK 2, A DISTANCE OF 495.00 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE NORTHWEST;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 90°00'21" AND AN ARC DISTANCE OF 23.56 FEET;

THENCE SOUTH 89°37'30" WEST ALONG THE SOUTH LINE OF SAID LOT 32, A DISTANCE OF 155.00 FEET TO THE POINT OF BEGINNING.

LESS: (FLORIDIAN PARKING)

A PORTION OF LOTS 11, 12, 13 AND 14, BLOCK 2, "AMENDED PLAT FLEETWOOD SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28 AT PAGE 34, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID LOT 14;

THENCE SOUTH 00°22'51" EAST ALONG THE EAST LINE OF SAID LOTS 11, 12, 13 AND 14, A DISTANCE OF 176.36 FEET;

THENCE SOUTH 89°37'30" WEST, A DISTANCE OF 15.61 FEET;

THENCE SOUTH 00°22'51" EAST, A DISTANCE OF 23.64 FEET;

THENCE SOUTH 89°37'30" WEST, A DISTANCE OF 81.57 FEET;

THENCE NORTH 00°22'51" WEST, A DISTANCE OF 17.55 FEET;

THENCE SOUTH 89°37'30" WEST, A DISTANCE OF 23.62 FEET;

THENCE NORTH 00°22'51" WEST, A DISTANCE OF 110.22 FEET;

THENCE NORTH 89°37'30" EAST, A DISTANCE OF 1.91 FEET;

THENCE NORTH 00°22'51" WEST, A DISTANCE OF 19.84 FEET;

THENCE SOUTH 89°37'30" WEST, A DISTANCE OF 4.90 FEET;

THENCE NORTH 00°22'51" WEST, A DISTANCE OF 3.43 FEET;

THENCE SOUTH 89°37'30" WEST, A DISTANCE OF 8.01 FEET;

THENCE NORTH 00°22'51" WEST, A DISTANCE OF 48.95 FEET;

THENCE NORTH 89°37'30" EAST ALONG THE NORTH LINE OF SAID LOT 14, A DISTANCE OF 131.80 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

ALSO LESS: (BLOCK 600 DEVELOPMENT SITE)

LOTS 29 THROUGH 32, INCLUSIVE, LESS THE WEST 9.40 FEET THEREOF, BLOCK 2, "AMENDED PLAT FLEETWOOD SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28 AT PAGE 34, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 32;

THENCE NORTH 89°37'30" EAST ALONG THE SOUTH LINE OF SAID LOT 32, A DISTANCE OF 9.40 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 00°22'51" WEST ALONG A LINE 9.40 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOTS 29 THROUGH 32, A DISTANCE OF 210.00 FEET;

THENCE NORTH $89^{\circ}37'30''$ EAST ALONG THE NORTH LINE OF SAID LOT 29, A DISTANCE OF 160.60 FEET;

THENCE SOUTH $00^{\circ}22'51''$ EAST ALONG THE EAST LINE OF SAID LOTS 29 THROUGH 32, A DISTANCE OF 195.00 FEET TO A POINT ON A TANGENT CURVE CONCAVE TO THE NORTHWEST;

THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF $90^{\circ}00'21''$ AND AN ARC DISTANCE OF 23.56 FEET;

THENCE SOUTH $89^{\circ}37'30''$ WEST ALONG THE SOUTH LINE OF SAID LOT 32, A DISTANCE OF 145.60 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.