

MIAMIBEACH


PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: September 24, 2024

FROM: Thomas R. Mooney, AICP  for TRM
Planning Director

SUBJECT: **PB24-0709. 701 West Ave – Canopy Park Comprehensive Plan FLUM Amendment**

PB24-0710. 701 West Ave – Canopy Park Zoning District Change

RECOMMENDATION

Review the proposed ordinances amending the Future Land Use Map (FLUM) of the Comprehensive Plan and changing the zoning district classification for Canopy Park and transmit both ordinances to the City Commission with favorable recommendations.

HISTORY

On May 15, 2024, at the request of Commissioner Tanya K. Bhatt, the Mayor and City Commission referred a proposal pertaining to the zoning and future land use designation of Canopy Park (C4 AC) to the Land Use and Sustainability Committee (LUSC) and the Planning Board. On June 10, 2024, the LUSC discussed the item and recommended that the Planning Board approve the proposed ordinances, including a new future land use designation of Recreation Open Space (ROS).

BACKGROUND

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. The park, located at 701 Alton Road, is a municipal park, operated by the City for the benefit of the general public. On August 23, 2022, 82% of the City's voters voted to name the park as "Canopy Park."

As proposed, the subject ordinances include the rezoning of Canopy Park, as well as the reclassifying the future land use designation on the City's future land use map, to better reflect the City's ownership and use of the property as a park.

The property is currently classified on the zoning map and future land use map as CD-2 (commercial, medium intensity), which is the zoning and future land use classification at the time of the original development agreement. The subject ordinances will change the zoning district to GU, Government Use, and change the future land use classification to ROS, Recreation and Open Space.

There is a separate related text amendment to Section 2.2.3.4 of the Land Development Regulations for Unified Development Sites (PB24-0711), which allows floor area to be distributed in accordance with the provisions of a development agreement with the City.

ZONING / SITE DATA

Legal Description:	See Exhibit A
Site Area:	130,683 SF /3.0000 acres
Existing Zoning Designation:	CD-2, Commercial, Medium Intensity
Proposed Zoning Designation:	GU, Government Use
Existing FLUM Category:	CD-2, Medium Intensity Commercial
Proposed FLUM Category:	ROS, Recreation and Open Space Including Waterways
Existing Land Uses:	
North:	Multifamily / Commercial
East:	Commercial
South:	Multifamily
West:	Multifamily

REVIEW CRITERIA

Pursuant to Section 2.4.2 of the Resiliency Code, in reviewing a request for an amendment to these land development regulations (LDRs), 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 LDR amendment is 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 create isolated districts.
3.

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

Consistent - The proposed ordinance amendment does not create an isolated district.
4.

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

Consistent – The proposed amendment doe not increase loads on public facilities or infrastructures.
5.

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

Partially Satisfied – While the boundaries of the subject zoning district change are irregular, they follow the area previously designated for the public park.

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

Consistent – As the public park area is now city owned, the passage of the proposed change is necessary.

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

Consistent – The proposed ordinance amendment will no 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 affect traffic congestion.

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 will 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 will 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.**

Consistent – As the public park area is now city owned, the passage of the proposed change is necessary.

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 7.1.2.4 of the LDRs 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.

Consistent – The proposal does affect areas that are vulnerable to the impacts of sea level rise in the long term.

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

Consistent – The proposal does not affect the resiliency of the City.

(3) Whether the proposal is compatible with the City’s sea level rise mitigation and resiliency efforts.

Consistent – The proposal is compatible with the City’s sea level rise mitigation and resiliency efforts.

ANALYSIS

When the Canopy Park parcel became City owned, the zoning for the property changed to Government Use (GU). In this regard, section 7.2.1.1.b of the LDR’s specifies that all city-owned properties are zoned GU, although they may not be designated as such on the zoning map:

Section 7.2.1.1.b

2. *GU properties. Except as otherwise provided in section [7.2.16](#), all city-owned properties are zoned GU although they may not be designated on the map.*

The future land use designation of the Canopy Park site is still commercial, medium intensity and did not automatically convert to another future land use classification. In this regard, the re-classification of the future land use designation of the park to “Recreation and Open Space Including Waterways (ROS)” would be appropriate.

The existing **Medium Intensity Commercial Category (CD-2)** future land use designation provides for the following:

POLICY RLU 1.1.9 MEDIUM INTENSITY COMMERCIAL (CD-2)

Purpose: To provide development opportunities for and to enhance the desirability and quality of existing and/or new medium intensity commercial areas which serve the entire City.

Uses which may be Permitted: Various types of commercial uses including business and professional offices, retail sales and service establishments, eating and drinking establishments; apartment residential uses; apartment hotels; and hotels.

Other uses which may be permitted are accessory uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to

be subordinate to the main use; and conditional uses specifically authorized in this land use category, as described in the Land Development Regulations, which are required to go through a public hearing process as prescribed in the Land Development Regulations of the Code of the City of Miami Beach.

Density Limits: 100 dwelling units per acre.

Intensity Limits: a floor area ratio of 1.5 for commercial; 2.0 for residential or mixed use; 3.25 in the Wolfsonian Arts District.

The proposed ***Recreation and Open Space Including Waterways (ROS)*** future land use designation provides for the following:

POLICY RLU 1.1.19 RECREATION AND OPEN SPACE INCLUDING WATERWAYS (ROS)

Purpose: To provide development opportunities for existing and new recreation and open space facilities, including waterways.

Uses which may be permitted: Recreation and open space facilities, including waterways.

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 on 0.5.

Undesignated Fisher Island Lots: Fisher Island lots that are not otherwise designated are hereby designated Recreation and Open Space.

COMPREHENSIVE PLAN AMENDMENT AND REVIEW PROCESS

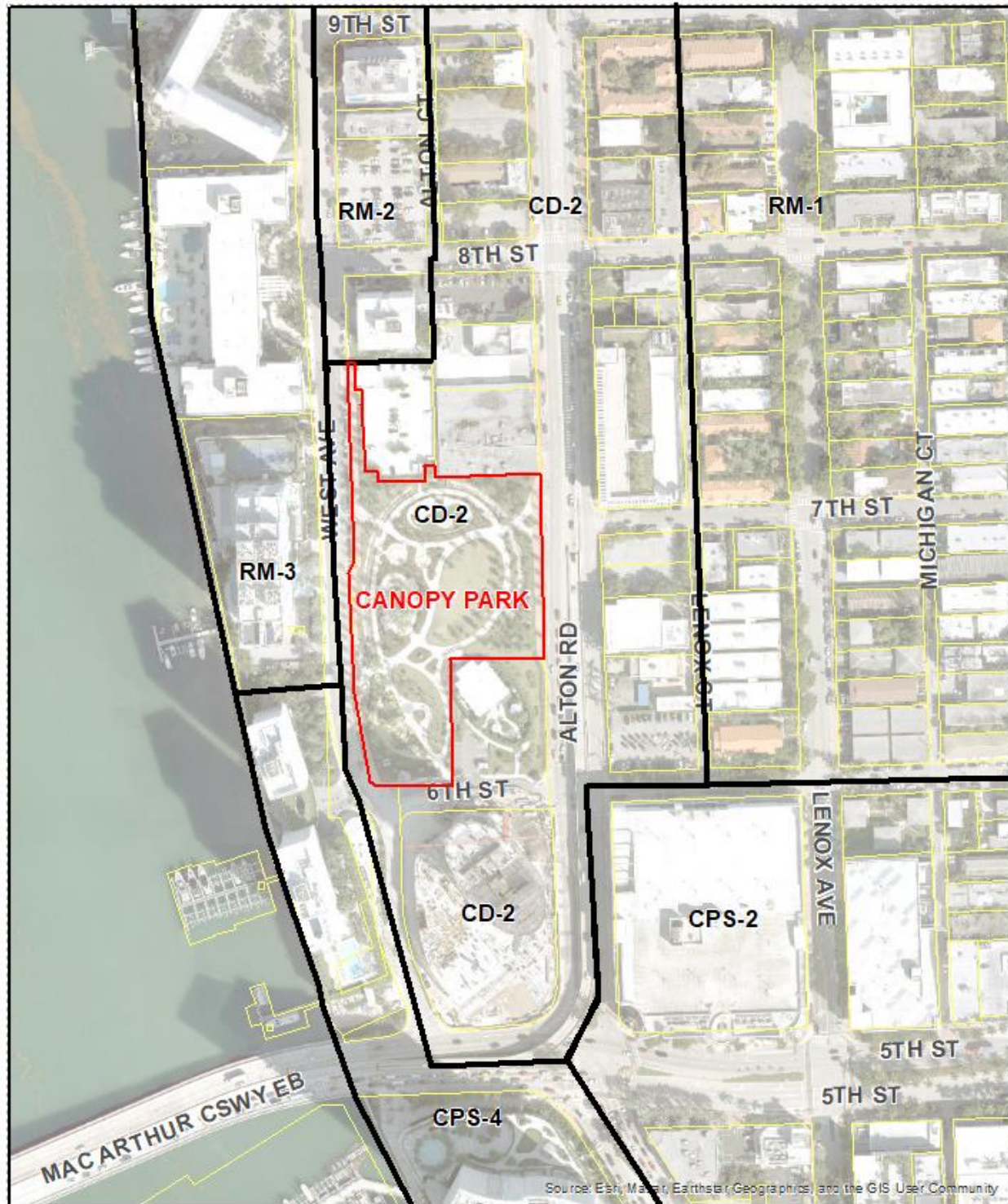
The total land area involved in this application is 3.0000 acres (130,683 SF). Under Section 163.3187 F.S., land use map amendments of less than 10 acres in size may be considered “small-scale” amendments, which require only one public hearing before the City Commission, which shall be an adoption hearing. 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.

SUMMARY

The proposed amendment to the Zoning Map is required to be processed concurrently with the companion FLUM amendment, as they are interrelated; however, separate motions must be made for each application. Staff is supportive of the proposal and recommends that the Planning Board transmit both ordinances to the City Commission with a favorable recommendation.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed Ordinances to the City Commission with favorable recommendations.

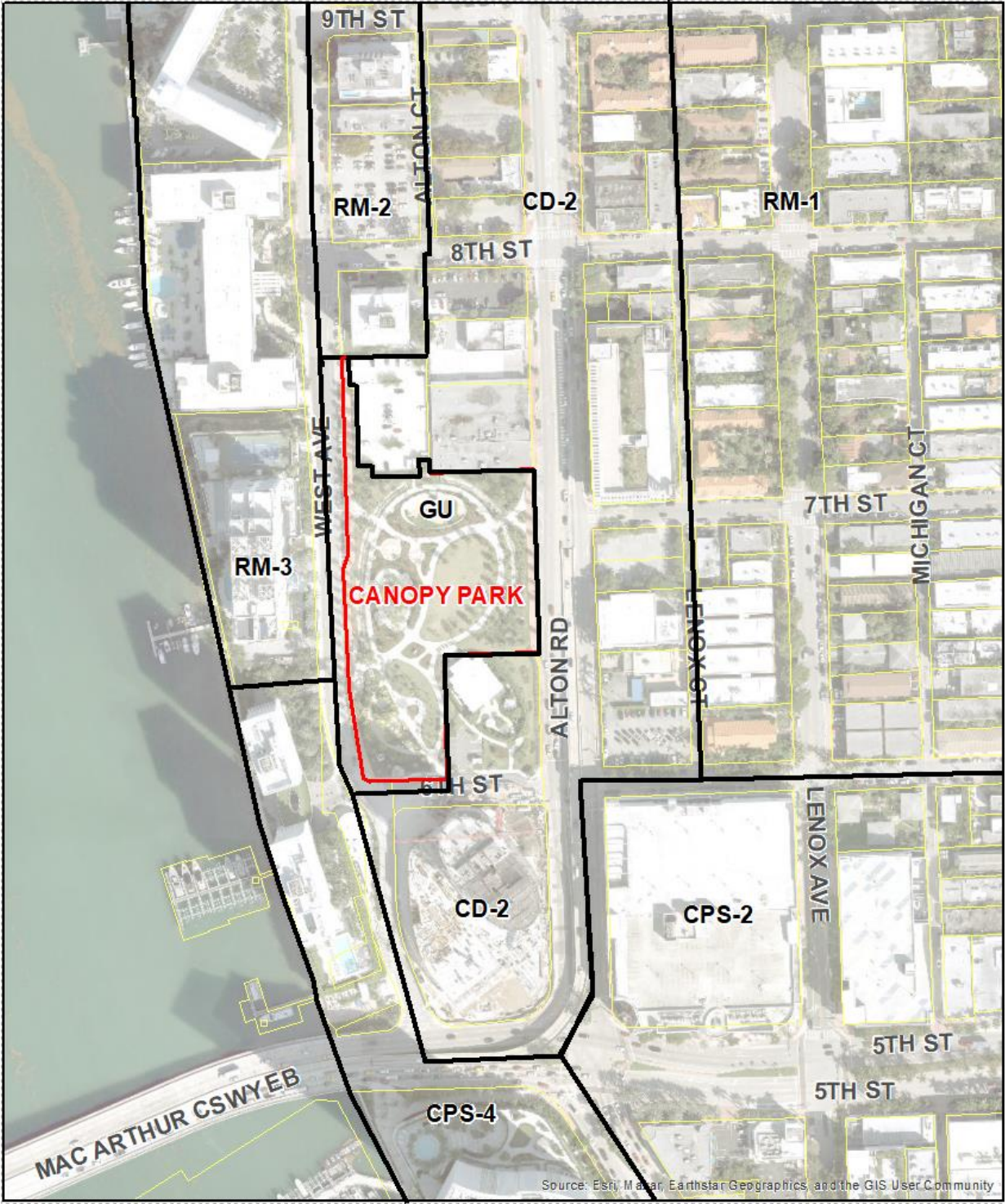


MIAMI BEACH
PLANNING DEPARTMENT

**ZONING MAP / FUTURE
LAND USE MAP (EXISTING)**

1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 P 305.673.7550 www.miamibeachfl.gov





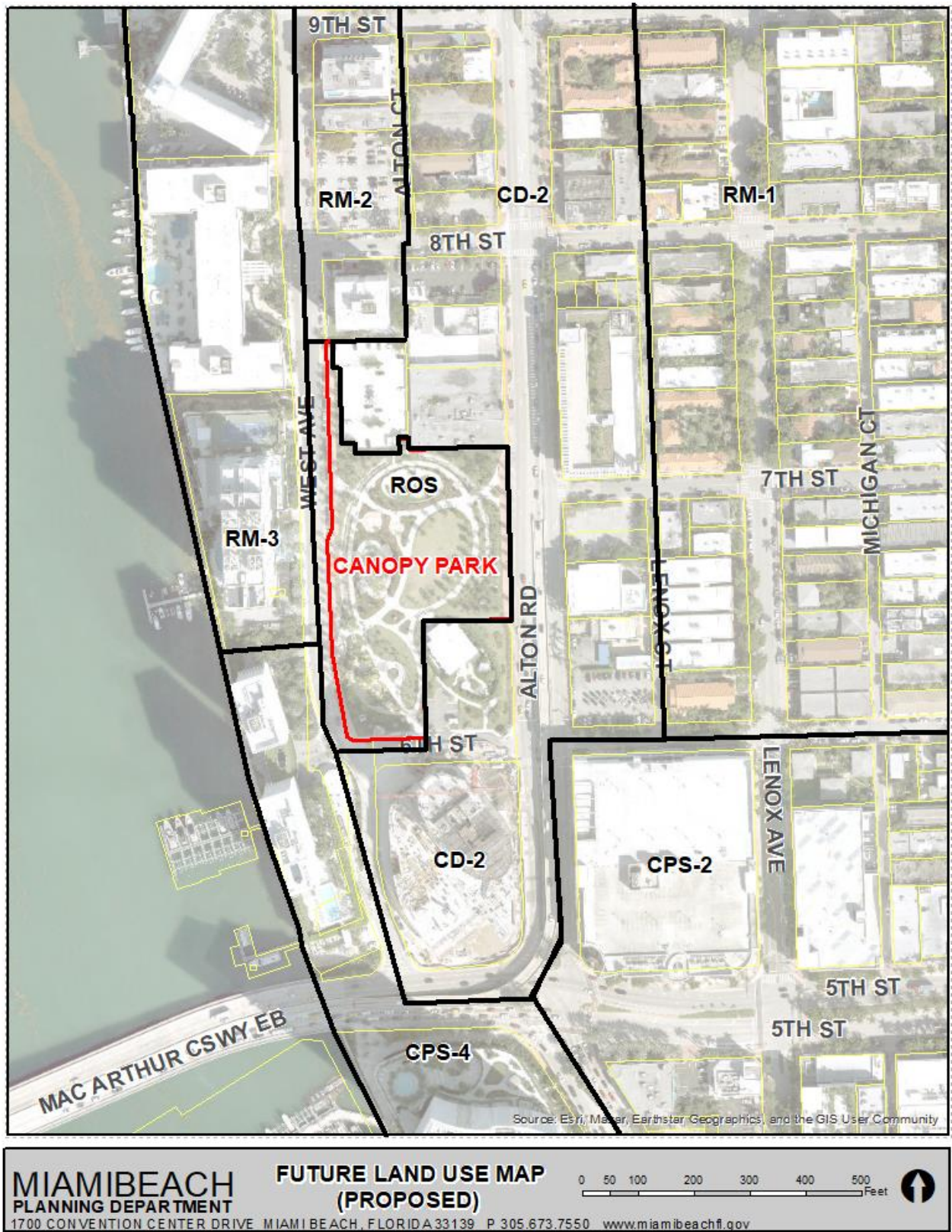


EXHIBIT A (Legal Description)

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°37'30" EAST ALONG THE NORTH LINE OF SAID LOT 29, A DISTANCE OF 160.60 FEET;

THENCE SOUTH 00°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°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 145.60 FEET TO THE POINT OF BEGINNING.

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

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 CATEGORY PURSUANT TO SECTION 2.4.1 OF THE LAND DEVELOPMENT REGULATIONS, AND PURSUANT TO FLORIDA STATUTES, SECTIONS 163.3181 AND SECTION 163.3187, 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, 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 property is currently classified on the zoning map and future land use map as CD-2 (commercial, medium intensity), which is the zoning and future land use classification at the time of the original development agreement; and

WHEREAS, section 7.2.1.1.b of the Land Development Regulations (LDR's) specifies that all city-owned properties are zoned GU, although they may not be designated as such on the zoning map.

WHEREAS, the subject ordinance will change the future land use classification to ROS, Recreation and Open Space; and

WHEREAS, Policy 1.1 of the Future Land Use Element partially 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) Regulate 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 the development 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), 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

Steven Meiner, Mayor

ATTEST:

Rafael E. Granado, City Clerk.

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION

City Attorney

Date

First Reading: October 30, 2024
Second Reading: December 11, 2024

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

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- PB ORD 9-24-2024.docx

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

Canopy Park Zoning District Change

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING DISTRICT MAP, REFERENCED IN SECTION 7.2.1.2, ENTITLED “DISTRICT MAP,” OF THE MIAMI BEACH RESILIENCY CODE, PURSUANT TO SECTION 2.5.1, ENTITLED “CHANGE TO ZONING DISTRICT BOUNDARIES (REZONING),” BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR A PARCEL OF LAND LOCATED AT 701 WEST AVENUE, AND WHICH IS COMPRISED OF LESS THAN 10 ACRES, FROM THE CURRENT ZONING CLASSIFICATION OF CD-2, “COMMERCIAL, MEDIUM INTENSITY,” TO GU, “GOVERNMENT USE;” PROVIDING FOR CODIFICATION, 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, 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

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WHEREAS, section 7.2.1.1.b of the Land Development Regulations (LDR’s) specifies that all city-owned properties are zoned GU, although they may not be designated as such on the zoning map.

WHEREAS, the subject ordinance will change the zoning district to GU, Government Use; and

WHEREAS, the amendment set forth below is necessary to formally accomplish the proposed zoning district change.

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 amendments to the City’s zoning map designations for the properties 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 generally located at 701 West Avenue (Miami-Dade County Folio 02-4203-001-0095), of approximately 130,768 square feet (3.002 acres), as depicted in Exhibit “A,” from the current CD-2, “Commercial, Medium Intensity” designation to the proposed designation of GU, “Government Use”.

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 _____, 2024

Steven Meiner, Mayor

ATTEST:

Rafael E. Granado, City Clerk.

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION

City Attorney

Date

First Reading: October 30, 2024
Second Reading: December 11, 2024

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

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