

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: November 20, 2024 10:10 a.m. First Reading Public Hearing

TITLE: 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.

RECOMMENDATION

The Administration recommends that the Mayor and City Commission (City Commission) approve the subject ordinance at First Reading and schedule a Second Reading public hearing for January 2025.

BACKGROUND/HISTORY

On May 15, 2024, at the request of Commissioner Tanya K. Bhatt, the 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).

ANALYSIS

As part of the Development Agreement for the 500 Alton Road project (Five Park), 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 public. On August 23, 2022, 82% of the City's electorate voted to name the park as "Canopy Park."

Canopy Park is currently classified on the city 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 park is also located within the Alton Gateway overlay.

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 LDRs specifies that all city-owned properties are zoned GU, although they may not be designated as such on the zoning map:

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.*

A separate, companion ordinance would formally amend the zoning map, and re-zone Canopy Park as GU.

The future land use designation of the Canopy Park site is also still commercial, medium intensity and did not automatically convert to another future land use classification. In this regard, the proposed ordinance would re-classify the future land use designation of the park to “Recreation and Open Space Including Waterways (ROS).” The ROS future land use designation in the 2024 Comprehensive Plan 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 of 0.5.

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

The proposed Future Land Use Map (FLUM) amendment is required to be processed concurrently with the companion Zoning Map amendment, as they are interrelated; however, separate motions must be made for each ordinance.

COMPREHENSIVE PLAN AMENDMENT AND REVIEW PROCESS

The total land area involved in this application is 3.0 acres (130,683 square feet). 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.

PLANNING BOARD REVIEW

On September 24, 2024, the Planning Board held a public hearing and transmitted the proposed ordinance to the City Commission with a favorable recommendation (7-0).

APPLICATION FEE WAIVER

The subject amendment is proposed on a comprehensive, citywide basis, and not on behalf of a private applicant or third party. Pursuant to section 2.4.1.c of the Land Development Regulations of the City Code, amendments to the City Code require the payment of the applicable fees in section 2.2.3.5, 2.2.3.6, and appendix A to the City Code. These fees may be waived by a five-sevenths (5/7ths) vote of the City Commission, based upon one or more of the following circumstances:

1. The City Commission determines that the proposed amendment is necessary due to a change in federal or state law, or to implement best practices in urban planning, or based on circumstances unique to the proposed amendment.
2. Upon the written recommendation of the City Manager acknowledging a documented financial hardship of a property owner(s) or developer(s).

3. If requested, in writing, by a non-profit organization, neighborhood association, or homeowner's association for property owned by any such organization or association, so long as the request demonstrates that a public purpose is achieved by enacting the applicable amendment.

The Administration recommends that the City Commission waive the applicable fees based on circumstances unique to the proposed amendment.

FISCAL IMPACT STATEMENT

No Fiscal Impact

Does this Ordinance require a Business Impact Estimate? Yes
(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on: 11/5/2024.
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

FINANCIAL INFORMATION

Not Applicable

CONCLUSION

The Administration recommends the following:

1. The City Commission approve the subject ordinance at First Reading and schedule a Second Reading public hearing for January 2025.
2. In accordance with section 2.4.1.c.1 of the Land Development Regulations of the City Code, the City Commission waive the applicable fees based on circumstances unique to the proposed amendment.

Applicable Area

South Beach

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?

Yes

Is this item related to a G.O. Bond Project?

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify the name of lobbyist(s) and principal(s):

Department

Planning

Sponsor(s)

Commissioner Tanya K. Bhatt

Co-sponsor(s)

Condensed Title

10:10 a.m. 1st Rdg PH, Canopy Park - Comprehensive Plan FLUM Amendment. (Bhatt) PL