



MIAMI BEACH

PLANNING DEPARTMENT Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: July 24, 2012

FROM: Richard G. Lorber, AICP, LEED AP
Acting Planning Director

SUBJECT: **Planning Board File No. 2059 - Future Land Use Map (FLUM) Amendment**
Planning Board File No. 2060 - Zoning Map Amendment

At the April 24, 2012 meeting, the Board continued these applications to the May 22nd meeting at the request of the applicant; and again, they were continued to June 26, 2012 meeting. After a presentation by the applicant and comments from the public, the application was continued to the July 24, 2012 meeting.

The applicant, 4701 North Meridian, LLC, is requesting to amend the Future Land Use Map of the Comprehensive Plan of the City of Miami Beach, Florida, by changing the Future Land Use Category for the Parcel commonly known as the "Miami Heart Institute," more particularly described in the Legal Description attached as Exhibit "A" from the current PF-HD, "Public Facilities – Hospital District," to the proposed Future Land Use Category RM-1, Residential Multifamily Low Density" retaining the existing nonconforming height, setbacks, floor area ratio and off-street parking by converting existing structures to a multifamily building with associated amenities and parking.

The applicant is also requesting to amend the Official Zoning District Map of the Code of the City of Miami Beach, Florida, by changing the Zoning District Classification for the Parcel known as the "Miami Heart Institute," from the current HD, "Hospital District," to the proposed Zoning Classification RM-1, Residential Multifamily Low Density" retaining the existing nonconforming height, setbacks, floor area ratio and off-street parking by converting existing structures to a multifamily building with associated amenities and parking.

Although these two separate requests can be heard together at a public hearing, it is necessary to have separate motions for each request.

ZONING / SITE DATA

Legal Description:

Lots 8 through 16 of "Nautilus Addition of Miami Beach Bay Shore Co." according to the Plat thereof, as recorded in Plat Book 8 at Page 130, of the Public Records of Miami-Dade County, Florida.

Site Area:

Approximately 4.33 acres

Existing Zoning Designation:	HD, Hospital District
Proposed Zoning Designation:	RM-1, Residential Multifamily low Intensity
Existing FLUM Category:	PF-HD, Public Facility Hospital
Proposed FLUM Category:	RM-1, Residential Multifamily low intensity
Existing Land Uses:	Single-family to the south and north; parking lot designated RM-1, residential multifamily low intensity, adjacent to the subject site.

ANALYSIS

History of the Site

The subject site is the former Miami Heart Institute, which was a functioning hospital since 1967. Mount Sinai purchased Miami Heart Institute in 2000; however its operations and its emergency room have been closed since 2004. The remaining services include the rehabilitation center, hospice, dialysis, and wound-care center which will move into Mount Sinai.

The Applicant's Proposal

The site's current designation as a PF-HD, Public Facilities Hospital on the Future Land Use Map (FLUM) of the Comprehensive Plan prevents residential uses as main uses on the property. The applicant, 4701 North Meridian, LLC, wishes to renovate and adapt the existing structures to residential use – apartments – with accessory recreational facilities, which necessitates the change of the site's future land use designation from PF-HD Public Facilities Hospital, to RM-1 Residential Low Intensity, as well as the zoning district designation for the site in the Zoning Map.

Planning and Zoning Issues

The PF-HD future land use and HD zoning designations allow only Hospitals as a main permitted use, and also allows a variety of accessory uses related to hospital use. The use of the site for residential use with accessory recreational facilities would not be permitted by the Comprehensive Plan and zoning regulations, and requires a change to some other land use category and zoning designation that would allow the desired residential use as a main permitted use.

The applicant is proposing to change the future land use category from PF-RHO, and rezone the property from HD to the RM-1 Residential Low Intensity category and zoning district, as that would allow the residential use. The proposed changes are compatible with the property adjacent to the site to the west, along Alton Road, which is RM-1 Multifamily Low intensity with a maximum FAR of 1.25. However, to the south of the site is a single-family district of designated RS-4 in the zoning map, which character is of smaller size lots and low scale homes.

City Charter Issues

The request for changing the Zoning Map of the City, as well as the Future Land Use Map of the City's Comprehensive Plan is affected by two City Charter provisions: Sections 1.03 (c) and 8.09.

Charter section 1.03(c) partially states: 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.

Charter Section 8.09 states: "When a hospital district is rezoned, such property shall be rezoned to a district or combination of districts with a floor area ratio no greater than the zoning of abutting land (sharing lot line)..."

Following the mandate of Charter Section 8.09 above, Section 142-456 (a) and (c) - Rezoning of HD district – of the Land Development Regulations of the City Code also governs this request as follows:

- (a) If an application is filed pursuant to section 118-162 to rezone all or part of an HD district, the rezoning shall be to a district or combination of districts with a floor area ratio no greater than the abutting land (sharing lot line).
- (c) Any building existing on the property may be adaptively reused consistent with the underlying zoning regulations retaining existing nonconforming height, setbacks, floor area ratio and off-street parking, regardless whether the rehabilitation exceeds 50 percent of the value determination, provided that the repaired or rehabilitated building shall be subject to the regulations in subsection 118-395 (b)(1)a.—d. (see below); however since this site is not within a designated historic district, sub-section d. does not apply.

Nonconforming buildings

- (1) Nonconforming buildings which are repaired or rehabilitated by less than 50 percent of the value of the building as determined by the building official shall be subject to the following conditions:
 - a. Repaired or rehabilitated residential and/or hotel units shall meet the minimum unit size requirements as set forth for the zoning district in which the property is located. The number of units in the building shall not be increased.
 - b. The building shall have previously been issued a certificate of use, certificate of completion, certificate of occupancy or occupational license by the city to reflect its current use.
 - c. Such repairs or rehabilitation shall meet the requirements of the City property maintenance standards, the applicable Florida Building Code, and the Life Safety Code.
 - d. If located within a designated historic district, or an historic site, the repairs or rehabilitations shall comply substantially with the Secretary of Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures, as amended, as well as the certificate of appropriateness criteria in Article X of these Land Development Regulations. If the repair or rehabilitation of a contributing structure conflicts with any of these regulations, the property owner shall seek relief from the applicable building or life-safety code.

The HD Hospital District shares a property line with an RM-1 district, facing Alton Road which is currently developed as a parking lot, therefore, complying with 142-456 (a), although it appears that currently, is not being used. The RM-1 regulations allow for a 1.25 FAR with residential uses permitted, in compliance with Section 1.03 (c) of the City Charter. It should be noted,

however, that the Land Development Regulations does not include a maximum FAR for the HD district. However, the Comprehensive Plan states that in no case shall the intensity in this land use category exceed a floor area ratio on 3.0.

Although the intensity of the existing HD Hospital category is more than the RM-1 zoning district (3.0 vs. 1.25 FAR) the request is consistent with both Charter provisions and the zoning district regulations as cited above.

Site Issues

The existing Hospital District zoning carries with it a maximum allowable Floor Area Ratio (FAR) of 3.0, which is among the most intense zoning districts within the City. The proposed RM-1 zoning district allows only residential uses and accessory uses that are incidental to and customarily associated with the main permitted use. In addition, the district allows for Conditional Uses such as adult congregate living facility; day care facility; nursing home; religious institutions; private and public institutions; schools; and commercial or noncommercial parking lots and garages.

From a growth management standpoint, the proposed change would ensure that no unwanted overdevelopment of the site could occur, and that the existing buildings would be retained and rehabilitated in an aesthetically acceptable manner. The retention and reuse of the buildings may be preferable to other options involving demolition and new development.

Note also that from the standpoint of traffic congestion, trip generation, and parking availability, the change of use from Hospital and accessory hospital uses to residential actually results in a lower intensity of use. The trip generation rate and parking requirement for hospital is among the highest of all uses, while residential uses are less intense. The total trip generation for the site as currently designated for hospital use could be expected to be reduced by at least one-half, which is beneficial for the long-term planning. It is also noteworthy that the RM-1 designation does not allow commercial uses on the site.

Comprehensive Plan Issues

The total land area involved in this application is 4.33 acres. 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. Although not required, the local government should 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. Because the submitted plans are only conceptual in nature and only show the portions of the existing structures that would be demolished, as well as those that would be retained for residential use and accessory use parking, the number of apartment units has not as yet been determined. The RM-1 future land use category allows a density of 60 units per acre. Taking this to the end result of 60 x 4.33 acres, the maximum number of units that could be developed within the existing structures is 260 units. Staff forwarded this information to the Miami-Dade County School Board, and the applicant made application for a preliminary school

concurrency determination. Staff received notification from the School Board with the following preliminary determination:

As noted in the Preliminary Concurrency Analysis (Schools Planning Level Review), the proposed project would yield a maximum residential density of 260 multifamily units, which generates 23 students; 11 elementary, 5 middle and 7 senior high students. **At this time, only the elementary and middle schools have sufficient capacity available to serve the application; while at the senior high school level, the review reveals a shortfall of 7 seats.** However, a final determination of Public School Concurrency and capacity reservation will only be made at the time of approval of final plat, site plan or functional equivalent. **As such, this analysis does not constitute a Public School Concurrency approval.**

Summary

The proposed amendment to the Future Land Use Map of the City's Comprehensive Map and the change to the Zoning Map will be a welcomed change to the Miami Heart Institute site, which has been almost vacant for some time. The new residential development with its recreational amenities would add value to the site as well as a visual and aesthetic improvement to the neighborhood.

These amendments must be processed together, as they are interrelated to one another, however, separate motions must be made for each application. The zoning change envisaged by these applications would enable the adaptive reuse of the site.

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 proposed future land use map change and zoning map change are consistent with the Comprehensive Plan, as proposed to be amended. There is no applicable neighborhood or redevelopment plan.

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

Consistent – The proposed change to RM-1 Residential Low Intensity land use category and zoning appear compatible with the property adjacent to the site, which is also zoned RM-1.

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

Partially Consistent – The proposed change would result in additional residential units

developed, however, the number of units is limited by the density that is listed in the City's Comprehensive Plan, which is 60 units per acre.

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

Consistent – The proposed amendment would result in reduced demands for city services, as hospital usage is much more intense than the proposed residential uses from the standpoint of vehicle trip generation, parking requirements, and demands for City services

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

Consistent – The proposed changes encompass the entirety of the former Miami Heart Institute site, and the PF-HD and HD zoned land associated with the request.

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

Consistent – Economic conditions have changed over time, and the viability of multiple hospitals within a limited area is questionable. Changed economic conditions warrant the change of use from Hospital Use to some other appropriate use for the site.

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

Consistent - The proposed amendment should not adversely influence living conditions in the surrounding neighborhood; rather, by eliminating the defunct hospital and allowing the rehabilitation of the underused buildings, the surrounding neighborhood would benefit.

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 of use from Hospital and accessory hospital uses to residential would result in a much lower intensity of use. The trip generation rate and parking requirement for hospital is among the highest of all uses, while residential use is much less intense. The total trip generation for the site is expected to be reduced by at least one-half, which is beneficial to the surrounding neighborhood.

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

Consistent - The proposed change would not reduce light and air.

10. Whether the proposed change will adversely affect property values in the adjacent area.

Consistent – Property values should not be negatively impacted. By eliminating the defunct hospital and allowing the rehabilitation of the underused buildings, the surrounding neighborhood should benefit.

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 should not prevent the redevelopment of the adjacent property.

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

Consistent – The proposed change is required in order to permit any main permitted use on the site other than hospital use.

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 proposed change is site specific to the redevelopment and adaptive reuse of the former Miami Heart Institute site.

STAFF RECOMMENDATION

In view of the foregoing analysis, staff recommends that the requested changes for the former Miami Heart Institute be recommended to the City Commission for approval as follows:

PF-HD – Public Facility Hospital, to RM-1, Residential Multifamily Low Intensity future land use category.

HD Hospital District to RM-1 Residential Multifamily Low Intensity zoning map designation

RGL/ML

c: Gary Held, First Assistant City Attorney

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 KNOWN AS THE "MIAMI HEART INSTITUTE," MORE PARTICULARLY DESCRIBED IN THE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A" HERETO, FROM THE CURRENT ZONING CLASSIFICATION HD, "HOSPITAL DISTRICT," TO THE PROPOSED ZONING CLASSIFICATION RM-1 RESIDENTIAL MULTI-FAMILY LOW INTENSITY," PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the applicant, 4701 North Meridian, LLC, has made an application to the City of Miami Beach to change the zoning classification of the parcel referred to herein as "Miami Heart Institute," located at 4701 Meridian Avenue, from HD, Hospital District, to RM-1 Residential Multifamily Low Intensity; and

WHEREAS, amending the zoning of the subject Miami Heart Institute parcel as provided herein is necessary to ensure that the development of the property will be compatible with development in adjacent and surrounding areas, and will contribute to the general health and welfare of the City;

WHEREAS, the City of Miami Beach has determined that the rezoning of the subject Miami Heart Institute parcel as provided herein will ensure that new redevelopment and renovation of existing structures are compatible and in scale with the built environment, and is in the best interest of the City;

WHEREAS, the full legal description of the Affected Property is contained in Exhibit "A" attached to this Ordinance, and shortened descriptions of such properties will be codified in the amendments below.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. 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 commonly known as the "Miami Heart Institute," approximately 188,796 square feet (4.33 acres), from the current HD "Hospital District," to the proposed zoning classification RM-1 Residential Multifamily Low Intensity."

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 amendment to the Future Land Use Map of the City's Comprehensive Plan.

PASSED and ADOPTED this ____ day of _____, 2012

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney _____
Date

First Reading:
Second Reading:
Verified by: _____
 Planning Director

EXHIBIT "A"

Legal Description:

Lots 8 through 16 of "Nautilus Addition of Miami Beach Bay Shore Co." according to the Plat thereof, as recorded in Plat Book 8 at Page 130, of the Public Records of Miami-Dade County, Florida.

ORDINANCE NO. _____

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 FOR THE PARCEL KNOWN AS THE "MIAMI HEART INSTITUTE," MORE PARTICULARLY DESCRIBED IN THE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A" HERETO, FROM THE CURRENT PF-HD, "PUBLIC FACILITY, HOSPITAL," TO THE FUTURE LAND USE CATEGORY OF RM-1, RESIDENTIAL MULTIFAMILY LOW INTENSITY;" PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN, TRANSMITTAL, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the applicant, 4701 North Meridian, LLC, has made an application to the City of Miami Beach to change the Future Land Use Map category for the parcel referred to herein as "Miami Heart Institute," located at 4701 North Meridian Avenue, from the current PF-HD, Public Facility Hospital, to the Future Land Use category RM-1 Residential Multifamily Low Intensity; and

WHEREAS, amending the Future Land Use category of the subject Miami Heart Institute parcel as provided herein is necessary to ensure the development of that property 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 Future Land Use category of the subject Miami Heart Institute parcel as provided herein will ensure that new development is compatible and in scale with the built environment, and is in the best interest of the City; and

WHEREAS, the full legal description of the Affected Property is contained in Exhibit "A" attached to this Ordinance, and shortened descriptions of such properties will be codified in the amendments below.

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 City's Future Land Use Map designations for the property described herein is hereby approved and adopted and the staff is hereby directed to make the appropriate changes to the Future Land Use Map of the City:

A parcel of land commonly known as the "Miami Heart Institute," approximately 188,796 square feet (4.33 acres), deemed to be a small-scale amendment, from the current PF-HD, "Public Facility Hospital," to the Future Land Use category of RM-1, "Residential Multifamily Low Intensity."

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, and it is hereby ordained that the amendment provided for in Section I is made part of the Future Land Use Map of the City of Miami Beach Comprehensive Plan, as amended; 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.

SECTION 5. TRANSMITTAL.

The Planning Director is hereby directed to submit this ordinance to the appropriate state, regional and county agencies as may be 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 _____, 2012.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney Date

First Reading:
Second Reading:
Verified by: _____
 Planning Director

EXHIBIT "A"

Legal Description:

Lots 8 through 16 of "Nautilus Addition of Miami Beach Bay Shore Co." according to the Plat thereof, as recorded in Plat Book 8 at Page 130, of the Public Records of Miami-Dade County, Florida.