VILLAGE OF KEY BISCAYNE

Office of the Village Manager

*Village Council*
Robert L. Vernon, *Mayor*
Enrique Garcia, *Vice Mayor*
Michael W. Davey
Robert Gusman
Michael E. Kelly
Jorge E. Mendia
Thomas Thornton

*Village Manager*
Genaro "Chip" Iglesias

# MEMORANDUM

**DT:** August 13, 2010

**TO:** Honorable Mayor and Members of the Village Council

**FR:** Genaro "Chip" Iglesias, Village Manager

**RE:** HR Hotel Resort Zoning District

## RECOMMENDATION

This discussion item is before the Village Council at the request of Councilmember Michael Kelly. The Administration does not provide recommendations on discussion items.

## BACKGROUND

The HR Hotel Resort Zoning District includes properties at 301 and 350 Ocean Drive. The Zoning and Land Development Regulations utilize a variety of means to regulate development. These include permitted uses, density, height, floor area ratio, lot coverage, setback, and parking. In order to design a project, the architect has to balance each of these regulations and make trade-offs on which ones can be maximized and which cannot. For example, a project can maximize the height and floor area limits, but it cannot meet the lot coverage and parking regulations. As such, one must view the regulations in their totality and not focus on any specific regulation.

Attached to this memorandum are the following documents:

1. A listing of the dates and actions the Council has taken with regard to the HR Hotel Resort District.

2. A table that compares the existing regulations, the HR Hotel Resort Regulations without any regulation that requires a referendum and an analysis of the impact the changes would have on the development of properties at 301 and 350 Ocean Drive properties.

3. An analysis prepared by Borroto Architects which graphically demonstrates the impacted changes to the HR Hotel Resort District in order to develop the property located at 350 Ocean Drive. The drawings which were previously presented to the Village Council will be available at the meeting.

**April 7, 2010 - ZORC Workshop**: The following Article was discussed: Article V - Schedule of District, Use and Setback Regulations, including HR Hotel Resort District Regulations.

It was the consensus of Council to direct staff to draft legislation regarding the HR District as it relates to Holiday Colony.

**April 27, 2010** - The Manager and Director Kurlancheek addressed the Council regarding the proposed draft of an HR District ordinance that staff was directed to prepare for the review of the Council. This ordinance removes any language from the ZORC's recommended HR Hotel Resort regulations that required a referendum.

Councilmember Kelly made a motion to direct staff to bring this item back at the next Council meeting as an ordinance for first reading. The motion died for lack of a second.

**May 11, 2010** - Councilmember Kelly addressed the Council regarding the ZORC recommendations for the HR District specifically setbacks, height and FAR.

Councilmember Kelly made a motion to hold a public hearing to hear the proposed zoning changes on first reading.

The Manager addressed the Council regarding a meeting held with the Sonesta developers regarding the possibility of building a hotel on that site.

The Mayor made an amendment to the Kelly motion to include a non-conformity section that in the event that there is a casualty loss, these regulations will not preclude the re-establishment of these units. Councilmember Kelly accepted the friendly amendment. The amended Kelly motion failed by a 2-4 roll call vote. The vote was as follows: Councilmember Kelly and Mayor Vernon voting Yes. Councilmembers Davey, Mendia, Thornton and Vice Mayor Garcia voting No.

Councilmember Mendia addressed the Council regarding the development of the Sonesta property.

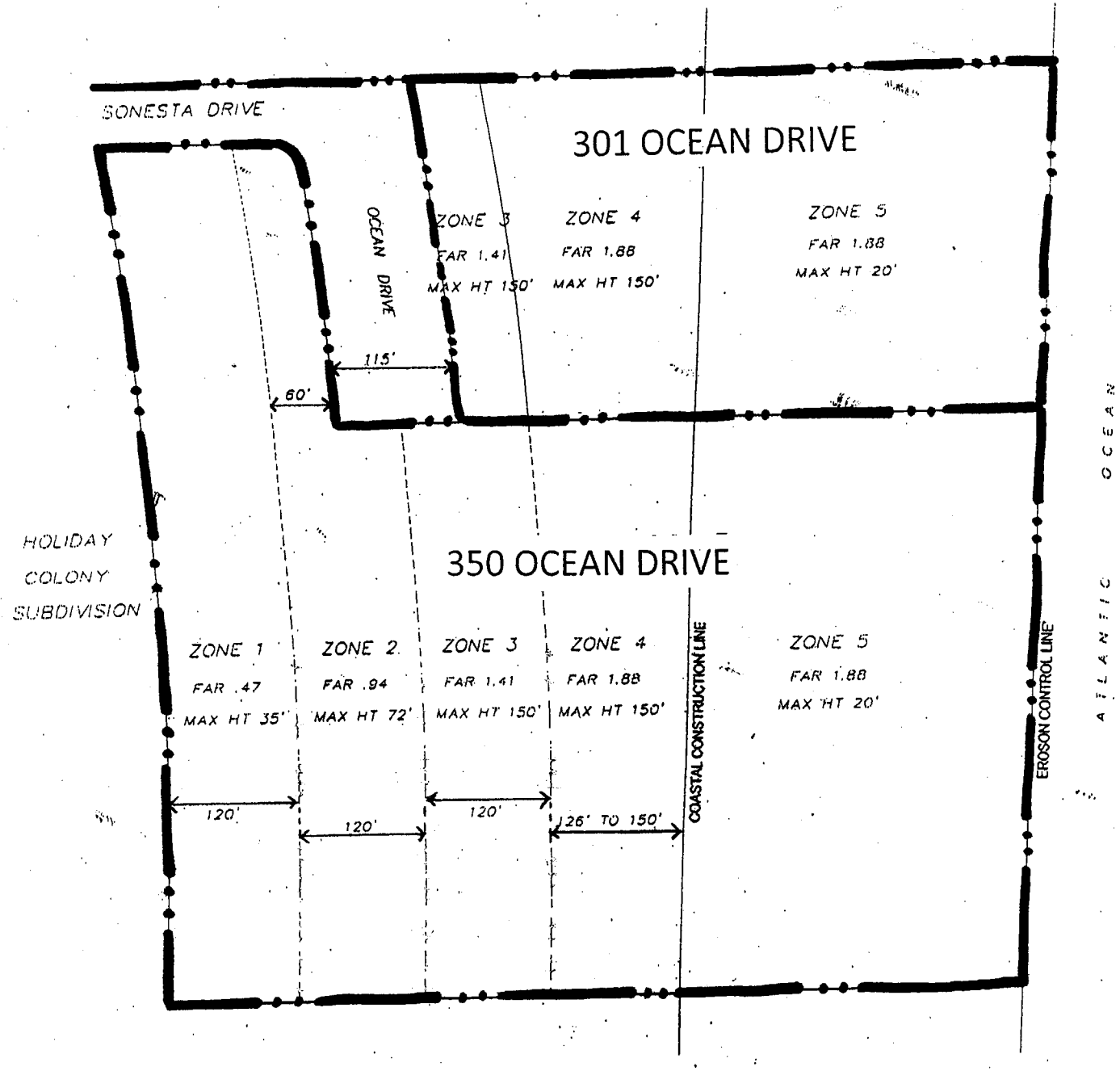
Councilmember Mendia made the following motion: The Village Council would like to strongly encourage Consultatio LLC and its development team to bring for our consideration a new site plan that includes a hotel and is more sensitive to the neighborhood of Holiday Colony. The motion was seconded by Vice Mayor Garcia and approved by a 5-1 voice vote. The vote was as follows: Councilmembers Davey, Mendia, Thornton, Vice Mayor Garcia and Mayor Vernon voting Yes. Councilmember Kelly voting No.

**July 6, 2010** - Councilmember Kelly addressed the Council regarding the proposed zoning changes for the HR District.

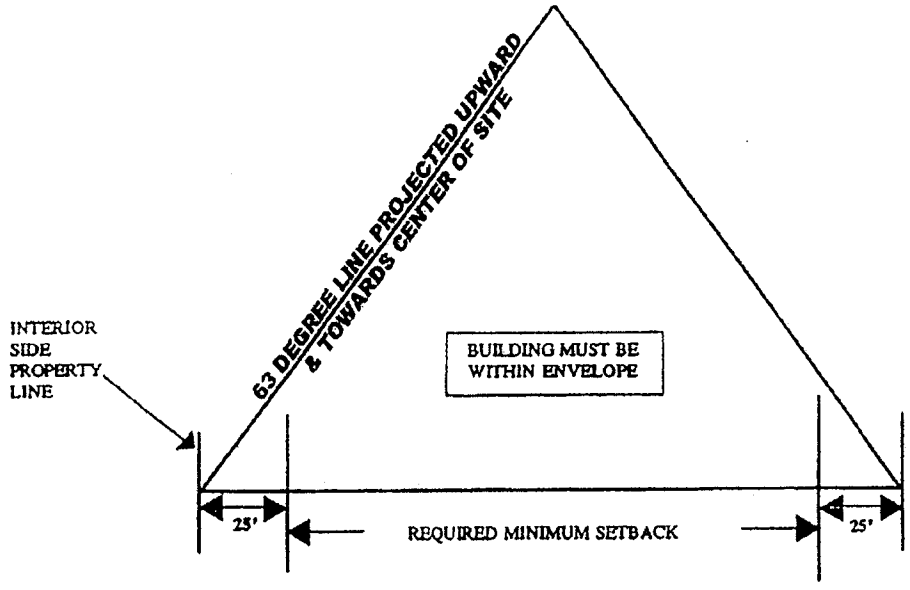
Councilmember Kelly made a motion to hold a public hearing to hear the proposed zoning changes for the HR District specifically setbacks, height and FAR on first reading, including a nonconformity section that in the event that there is a casualty loss, these regulations will not preclude the reestablishment of these units. The motion died for lack of a second.

It was the consensus of Council to direct staff to place this item on the August 31, 2010 Council Agenda for discussion purposes and public input.

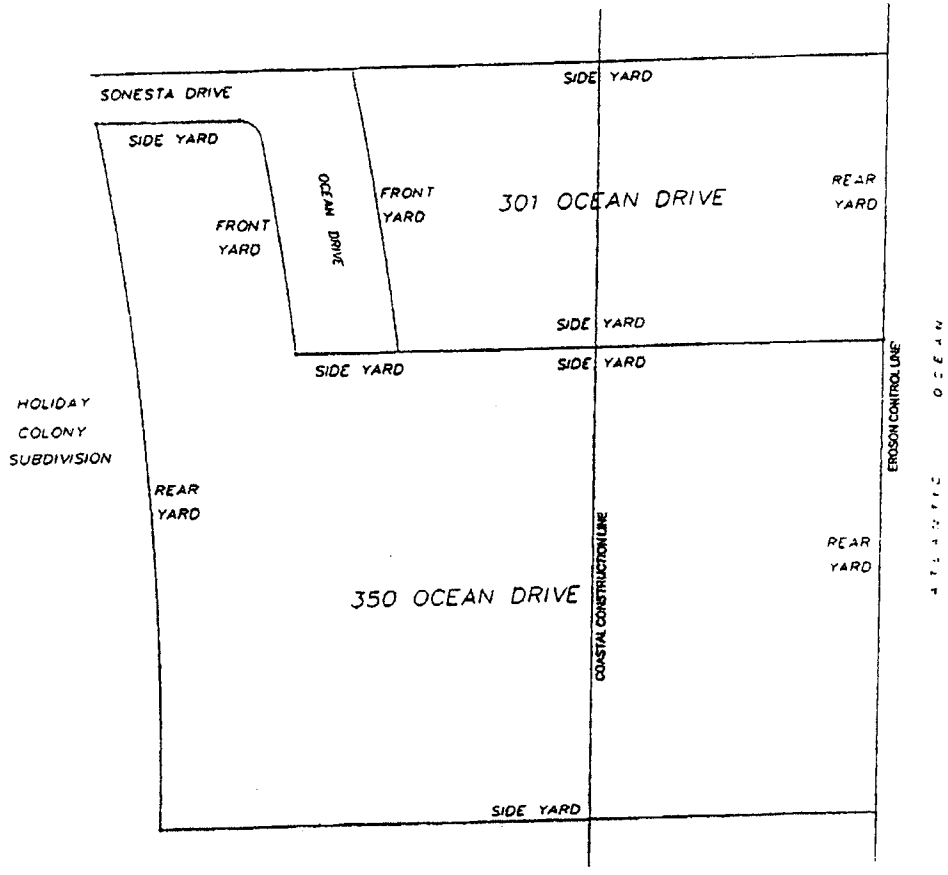
# FLOOR AREA RATIO AND HEIGHT ZONE SKETCH



# BUILDING ENVELOPE SKETCH



# YARD DETERMINATION SKETCH



## COMPARISON OF REGULATIONS

| REGULATION | EXISTING REGULATION | ZORC ORDINANCE | ANALYSIS 350 OCEAN DRIVE | ANALYSIS 301 OCEAN DRIVE |
|---|---|---|---|---|
| Permitted Uses | Hotel and Apartment Buildings | Hotel and Apartment Buildings | No change. Same permitted uses. | No change. Same permitted uses. |
| Density | Apartment Building: 16 units/acre<br>Hotel: 30 units/acre | Apartment Building: 16 units/acre<br>Hotel: 30 units/acre | No change. Consistent with density limits in Master Plan. | No change. Consistent with density limits in Master Plan. |
| Height | 150 ft. | As set forth in the Floor Area Ratio and Height Sketch. Site divided into 5 zones with Zone 1 nearest Holiday Colony and Zone 5 adjacent to the beach.<br>Zone 1: 35 ft. Zone 3: 150 ft. Zone 5: 20 ft.<br>Zone 2: 72 ft. Zone 4: 150 ft. | Buildings built within 120 ft. of Holiday colony will have the same height as those in Holiday Colony. 120 ft. is depth of lots in Holiday Colony.<br><br>Regulations force height of buildings eastward.<br><br>There is no change in the maximum height of 150 ft. | This site only contains Zone 4 with a height limit of 150 ft.and Zone 5 which is east of the Construction Control Line (CCL) with a height limit of 20 ft.<br><br>Regulations force height of buildings eastward.<br><br>There is no change in the maximum height of 150 ft.<br><br>Due to the location of the CCL a building can only be built in Zone 4. |

| REGULATION | EXISTING REGULATION | ZORC ORDINANCE | ANALYSIS: 350 OCEAN DRIVE | ANALYSIS: 301 OCEAN DRIVE |
|---|---|---|---|---|
| Floor Area Ratio (FAR) | 2.0 | As set forth in the Floor Area Ratio and Height Sketch. Site divided into 5 zones with Zone 1 nearest Holiday Colony and Zone 5 adjacent to the beach. The following are the zones and maximum FAR in each zone.<br><br>Zone 1: 0.47 Zone 3: 1.41 Zone 5: 1.88<br>Zone 2: 0.94 Zone 4: 1.88 | Buildings built within 120 ft. of Holiday Colony will have the same FAR as those in Holiday Colony. Regulations force bulk and mass of buildings eastward.<br><br>The site contains 449,931 sq. ft. The maximum FAR of 1.3775 equals 619,780 sq. ft. of floor area while the current regulations permit a maximum FAR of 2.0 or 899,862 sq. ft. of floor area. This means 280,082 sq. ft. of floor area has been removed assuming the a project complies with all of the other zoning regulations and built to the maximum FAR.<br><br>Typical common space in high end apartment projects is 25% of the total floor which would leave 464,835. Assuming a project contains the maximum number of apartment units of 165, then the average size of a unit will be 2,817 sq. ft. The Sonesta approved site plan has an average apartment size of 3,788 sq. ft.<br><br>Hotel experts advised ZORC that the average size of a hotel unit, including common space, is 1000 sq. ft. That would permit 620 hotel units; however, the maximum density under the zoning ordinance is 310 units and the maximum under | This site only contains Zone 4 with an FAR of 1.88 and Zone 5 with an FAR of 1.88<br><br>The site contains 172,312 sq. ft. The maximum FAR of 1.3775 equals 237,360 sq. ft. of floor area while the current regulations permit a maximum FAR of 2.0 or 344,624 sq. ft. of floor area. This means 107,264 sq. ft. of floor area has been removed assuming a project complies with all of the zoning regulations and maximum FAR<br><br>Typical common space in high end apartment projects is 25% of the total floor which would leave 178,020. Assuming a project contains the maximum number of apartment units of 63, then the average size of a unit will be 2,826 sq. ft.<br><br>Hotel experts advised ZORC that the average size of a hotel unit, including common space, is 1000 sq. ft. That would permit 237 hotel units; however, the maximum density under the zoning ordinance is 119 units. |

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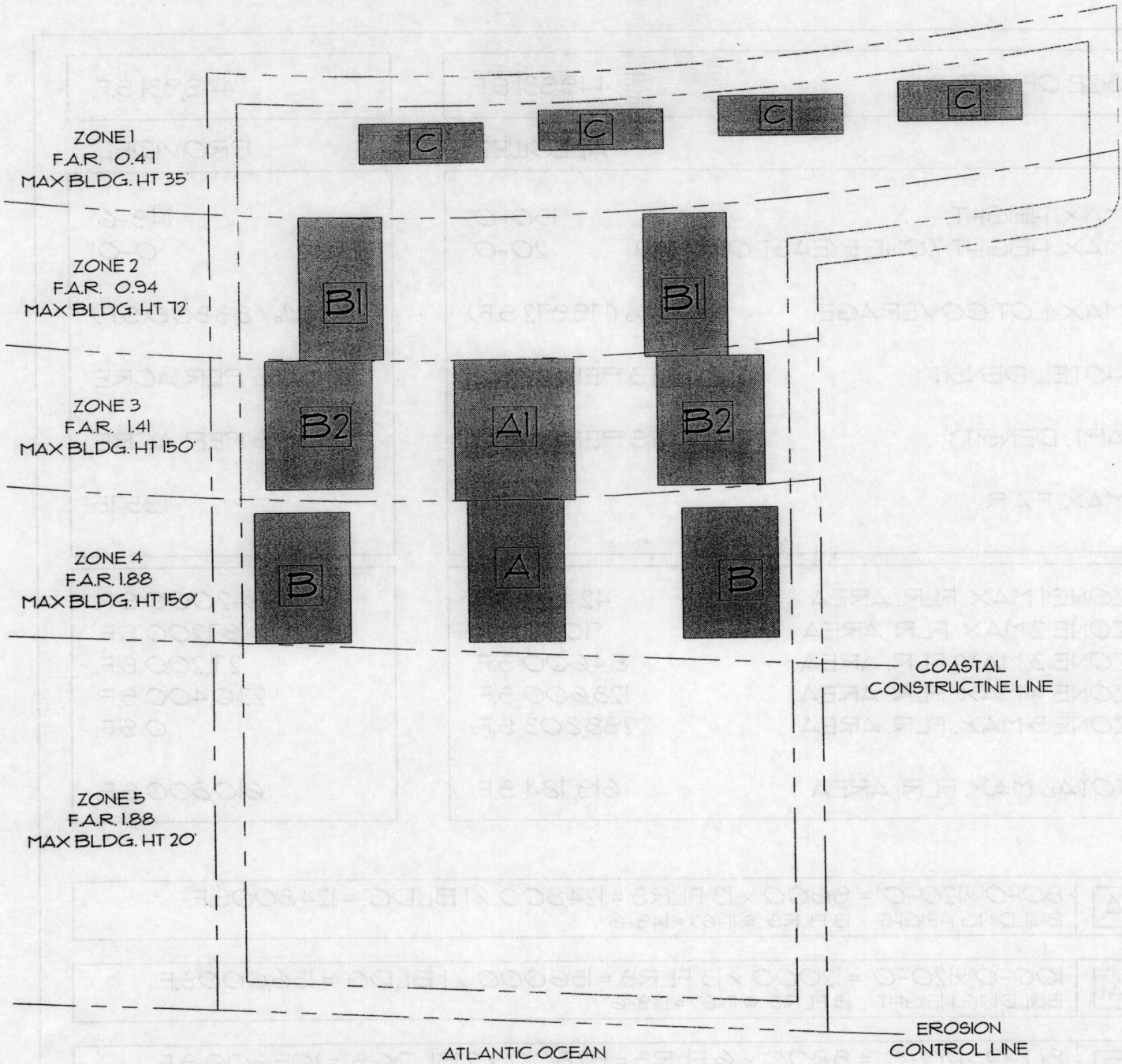
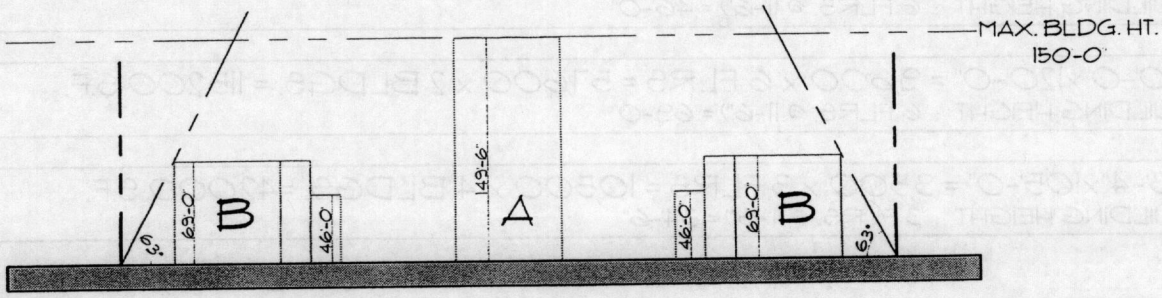
| | | | | the Master Plan is 350 units. | The ability to achieve a design that maximizes the floor area in a hotel or apartment project is extremely difficult due to the CCL which bisects this property. |

| REGULATION | EXISTING REGULATION | ZORC ORDINANCE | ANALYSIS 350 OCEAN DRIVE | ANALYSIS 301 OCEAN DRIVE |
|---|---|---|---|---|
| Lot Coverage | .40 | .40 | No change. | No change. |
| Setbacks | Front:25 ft. + 5 ft. per floor ≤ 50 ft.<br>Side:25 ft. but with a 63 degree triangle<br>Rear:25 ft. + 5 ft. per floor ≤ 50 ft. | Front:25 ft. + 5 ft. per floor ≤ 50 ft.<br>Side:25 ft. but within a 63 degree triangle called Building Envelop Sketch<br>Rear:25 ft. + 5 ft. per floor ≤ 50 ft. | No change.<br><br>The setbacks exceed those in Holiday Colony which are: front 25 ft, interior side 7.5 ft, side facing a street 15 ft. and rear 25 ft. | No change. |
| Supplemental Hotel Regulations | Hotel unit size and common area kitchens per floor not addressed.<br><br>Cooking facilities limited to devices that cook, heat or defrost food but not limited to wet-bar sink, a microwave, or toaster. | Unit size: determined by site plan analysis and documentation to justify unit size.<br><br>Cooking facilities: limited to one microwave oven at 2 cubic ft., one refrigerator at 5 cubic ft., toasters, coffee maker | Will insure floor area of hotel units will be used as a hotel and not as an apartment unit.<br><br>Provides size limitation for the microwave and refrigerator. | Will insure floor area of hotel units will be used as a hotel and not as an apartment unit.<br><br>Provides size limitation for the microwave and refrigerator. |
| Service Areas and Loading Docks | Location can be addressed through site plan review process. | In addition to Site Plan Review Process, the regulations require them to be screened or buffered from adjacent properties and to be internal to the building. | Provides additional protection from noise that results from loading and unloading. | Provides additional protection from noise that results from loading and unloading. |

| REGULATION | EXISTING REGULATION | ZORC ORDINANCE | ANALYSIS<br>350 OCEAN DRIVE | ANALYSIS<br>301 OCEAN DRIVE |
|---|---|---|---|---|
| Parking | Apartment Building:1.75 per unit<br>Hotel:1.00 per unit<br>Valet Service: cars may be valet but tandem parking is not permitted. | Apartment Building:1.75 per unit<br>Hotel:0.75 per unit<br>Valet Service: parking spaces can be parked in tandem. | Operating a garage under a valet service permits cars to be parking in tandem thereby reducing the size of the garage. Because the cars can be parked in tandem, less floor area is required for parked cars. This is a significant savings and encourages a hotel. | Operating a garage under a valet service permits cars to be parking in tandem thereby reducing the size of the garage. Because the cars can be parked in tandem, less floor area is required for parked cars. This is a significant savings and encourages a hotel. |
| | Parking Garage: not counted in FAR if the garage is located below Base Flood Elevation (BFE). | Parking Garage: not counted in FAR if below BFE. Counted in the FAR if located above BFE or in a free standing structure. | This regulation will result in the parking garage being located below BFE which is a significant improvement to the design and overall appearance of the project.<br><br>Current regulations permit parking garages to be located above BFE or in a free-standing building which is not the optimum aesthetic solution. | This regulation will result in the parking garage being located below BFE which is a significant improvement to the design and overall appearance of the project.<br><br>Current regulations permit parking garages to be located above BFE or in a free-standing building which is not the optimum aesthetic solution. |




F.A.R. CALC. & SONESTA SITE
SCALE: 1/28 = 1-0

DORROTO
ARCHITECTS

| | | |
|---|---|---|
| SIZE OF SITE | 449,931 S.F. | 449,931 S.F. |
| | ALLOWED | PROVIDED |
| MAX. HEIGHT. | 150'-0" | 149'-6" |
| MAX. HEIGHT ZONE 5 (EAST OF CCL) | 20'-0" | 0'-0" |
| MAX. LOT COVERAGE | 40% (179,972 S.F) | 19.96% (89,800 S.F) |
| HOTEL DENSITY | 30 UNITS PER ACRE | ____ UNITS PER ACRE |
| APT. DENSITY | 16 UNITS PER ACRE | ____ UNITS PER ACRE |
| MAX. F.A.R. | 1.3775 | 1.3575 |
| ZONE 1 MAX. FLR. AREA | 42,469 S.F. | 42,000 S.F. |
| ZONE 2 MAX. FLR. AREA | 70,312 S.F. | 67,200 S.F. |
| ZONE 3 MAX. FLR. AREA | 84,600 S.F. | 271,200 S.F. |
| ZONE 4 MAX. FLR. AREA | 123,600 S.F. | 230,400 S.F. |
| ZONE 5 MAX. FLR. AREA | 298,803 S.F. | 0 S.F. |
| TOTAL MAX. FLR. AREA | 619,784 S.F. | 610,800 S.F. |

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| A | 80'-0"x120'-0" = 9,600 x 13 FLRS = 124,800 x 1 BLDG. = 124,800S.F.<br>BUILDING HEIGHT : 13 FLRS. @ 11'-6") = 149'-6" |
| A1 | 100'-0"x120'-0" = 12000 x 13 FLRS = 156,000 x 1 BLDG. = 156,000S.F.<br>BUILDING HEIGHT : 13 FLRS. @ 11'-6") = 149'-6" |
| B | 80'-0"x120'-0" = 8,800 x 6 FLRS = 52,800 x 2 BLDGS. = 105,600 S.F.<br>BUILDING HEIGHT : 6 FLRS. @ 11'-6") = 69'-0" |
| B1 | 70'-0"x120'-0" = 8,400 x 4 FLRS = 33,600 x 2 BLDGS. = 67,200 S.F.<br>BUILDING HEIGHT : 6 FLRS. @ 11'-6") = 46'-0" |
| B2 | 80'-0"x120'-0" = 9,600 x 6 FLRS = 57,600 x 2 BLDGS. = 115,200 S.F.<br>BUILDING HEIGHT : 6 FLRS. @ 11'-6") = 69'-0" |
| C | 33'-4"x105'-0" = 3,500 x 3 FLRS = 10,500 x 4 BLDGS. =42,000 S.F.<br>BUILDING HEIGHT : 3 FLRS. @ 11'-6") = 34'-6" |

TOTAL : 610,800 S.F.

DORROTO ARCHITECTS