



VILLAGE OF KEY BISCAYNE

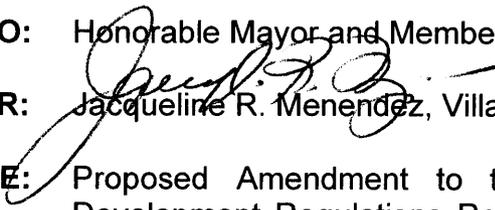
Office of the Village Manager

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Village Manager
Jacqueline R. Menendez

DT: May 17, 2006

TO: Honorable Mayor and Members of the Village Council

FR: 
Jacqueline R. Menendez, Village Manager

RE: Proposed Amendment to the Zoning and Land Development Regulations Regarding the Creation of Procedures to Evaluate Future Applications for Planned Unit Developments (PUD)

RECOMMENDATION

The proposed ordinance establishes procedures and review criteria to evaluate future applications for rezoning properties within the HR Hotel Resort District to a PUD District. The ordinance establishes maximum building height regulations which are inconsistent with the Master Plan. As such, staff cannot support adoption of this specific proposal.

EXPLANATION

Current Planned Unit Developments: The only properties in the Village which are currently zoned PUD are Ocean Club (PUD-1), Grand Bay (PUD-2), and Key Colony (PUD-3). The current zoning regulations do not include procedures to consider additional PUD's because it was never anticipated that other property owners would petition the Village for this zoning designation. Should this request be approved, the applicant intends to request a change of zoning from HR Hotel Resort to PUD-4. This would occur only if the attached ordinance is approved. If the ordinance is denied, then development would proceed pursuant to the regulations which are contained in the HR Hotel Resort District.

Summary of the Ordinance: The following summarizes the proposed ordinance:

1. Development regulations such as height, setbacks, and lot coverage are negotiated between the Village and the developer. This provides flexibility in design to achieve a superior result as opposed to a fixed building envelop. It is intended that the design process results in greater open space and improved circulation and a more compatible development with surrounding properties than would be achieved under the current regulations.

2. The process results in a site plan that can only be changed by the Council.
3. A Development Agreement is negotiated between the Village and the applicant which sets forth deed restrictions, covenants, infrastructure requirements, public amenities, dedication of land and other improvements all of which are intended to mitigate the impact of the project on surrounding properties. A draft of the Development Agreement must be included at first reading of the change of zoning application. The Council cannot approve the project on second reading unless it approves the Development Agreement. If approved, the Development Agreement is recorded in the public records.
4. A new PUD can only occur on land which contains five (5) acres and which is zoned HR Hotel Resort. The only property which meets this criteria is the Sonesta Hotel. The Silver Sands is zoned HR Hotel Resort but is less than five (5) acres. No other land in the Village is zoned HR Hotel Resort.
5. Maximum Density (Units per Acre): Shall not exceed the limit set forth in the Master Plan. The Master Plan limits the density to 30 hotel units and 16 units per acre for residential development.
6. Lot Coverage and Setbacks: Shall be as set forth in the approved site plan.
7. Maximum Building Height: As set forth in the current zoning district plus an additional 35%. The Master Plan states that no building may exceed 150 feet in height.
8. Permitted Uses: Limited to those permitted in the HR Hotel Resort District which includes hotel and apartment buildings.

Zoning Code Amendment Procedure: The applicant has filed a petition to amend the Zoning and Land Development Regulations to provide for a procedure to evaluate a prospective request to change the zoning at 350 Ocean Drive from HR Hotel Resort to PUD-4. Section 30-71 of the Zoning and Land Development Regulations provides for evaluation criteria to consider amendments. The following is a listing of the criteria, analysis and findings:

Criteria 1: The amendment is consistent with the Comprehensive Plan.

Analysis: The proposed ordinance creates procedures to evaluate future applications for Planned Unit Developments (PUD). The ordinance does not designate any property as a PUD and change the zoning of property.

The property is designated in the Future Land Use Plan of the Master Plan as "Medium Density Multifamily and Ocean Resort Hotel". The permitted uses include multifamily residential development and/or resort hotel development. The attached ordinance permits any use permitted within the HR Hotel Resort Zoning District to be permitted in the PUD's. Permitted uses in the HR Hotel Resort District include hotel and/or apartment buildings. The proposed ordinance provides that the maximum building height for all buildings, accessory structures and architectural features shall be 150 feet (as permitted within the HR Hotel Resort District) plus an additional 35%. The Master Plan prohibits buildings within the HR Hotel Resort District from exceeding 150 feet in height. The Village Zoning Code permits accessory structures such as cooling towers, elevator bulkheads and architectural features to exceed the 150 foot height restriction by no more than 35 percent. This provides a method for concealing mechanical aspects of the building from views from adjacent properties and results in a more aesthetically pleasing structure. The Village Zoning Code does not permit residential or hotel units to exceed the 150 foot height restriction. As drafted, the proposed ordinance is inconsistent with the Master Plan.

Finding: Inconsistent

Criteria 2: The proposed change will result in buildings that are consistent in scale with those within 300 ft. of the site.

Analysis: Section 30-114(b)(5) provides for the Village Council to provide conditions to insure compatibility of the uses with adjacent structures in the surrounding neighborhood and mitigation of any substantial adverse impacts from a proposed development. Section (6) provides for a Development Agreement which may include the dedication of land or facilities to impact any substantial adverse impacts upon the Village

Finding: Consistent

Criteria 3: The resulting boundaries of a zoning district are logically drawn.

Analysis: The ordinance does not change the boundaries of any zoning district.

Finding: Not applicable

Criteria 4: The proposed change will enhance property values in the Village.

Analysis: The ordinance will not have any impact on property values. If the Council approves a petition to the change of zoning district of a property from HR Hotel Resort to PUD, then a determination can be made if property values in the Village will be enhanced.

Finding: Not applicable

Criteria 5: The proposed change will enhance the quality of life in the Village.

Analysis: The ordinance will not have any impact on the quality of life in the Village. If the Council approves a petition to the change of zoning district of a property from HR Hotel Resort to PUD, then a determination can be made if the quality of life will be enhanced in the Village.

Finding: Not applicable

Criteria 6: There are substantial and compelling reasons why the proposed change is in the best interest of the Village.

Analysis: The property is within a HR Hotel Resort Zoning District. This district permits hotel and/or apartment buildings. The applicant is asserting that the ordinance should be approved because it provides for greater design flexibility which is in the best interests of the Village. Further, as a Development Agreement is required, there is an opportunity for the Village to negotiate improvements and amenities that extend beyond the site and the immediate neighborhood. At this time it is premature for staff to speculate on what these improvements and amenities include; however, the site plan review process pursuant to the current regulations also provides an opportunity for improvements and amenities. It is likely that the Village can leverage more improvements and amenities under the PUD process rather than the current site plan review process.

This criterion addresses "substantial and compelling reasons" why this ordinance should be approved. It is unknown what improvements and amenities would result from either process, the PUD Development Agreement or the site plan review process; accordingly, we can not determine if this ordinance is consistent with this review criterion.

Finding: Cannot be determined.

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