

PLANNING DEPARTMENT

## COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Thomas R. Mooney, AICP  
Planning Director

DATE: July 17, 2019

SUBJECT: **Planning Analysis of Proposed Right of Way (ROW) Vacation – Portions of Alleys Known as Abbott Court and Normandy Beach Court**

### **BACKGROUND**

Section 82-38 of the Code of the City of Miami Beach requires that any proposed sale or lease of City-owned land be analyzed from a planning perspective so that the City Commission and the public are fully apprised of all conditions relating to the proposed sale or lease.

The Applicant is proposing to redevelop almost an entire block with a mixed-use project consisting of commercial and residential uses. In order to create a more efficient site, the applicant is asking the City to vacate one alley in its entirety, Normandy Beach Court, which is 1,000 square feet. In addition, the Applicant is asking that the City vacate a portion of another alley, Abbott Court, which is 3,522 square feet. There is a total of 4,522 square feet in the vacation that will be absorbed into the Applicant's project.

The Applicant then proposes to dedicate to the City a sufficient amount of property for a new alley that will connect the remaining portion of Abbott Court westward to Bryon Avenue which will contain 2,542 square feet. The Applicant will also dedicate to the City 2,198 square feet to construct a bioswale. There is a total of 4,740 square feet in the dedication.

Since the area being dedicated is slightly larger than the area being vacated, the City gains approximately 218 square feet of right of way. The result is that the Applicant's assemblage is reduced from 53,980 square feet to 53,762 square feet; however, the site becomes more efficient to develop. See the Right of Way Vacation and Dedication Area Aerial at the end of this report.

The following is an analysis based on the criteria delineated in the Code:

### **ANALYSIS**

**1. Whether or not the proposed use is in keeping with city goals and objectives and conforms to the city comprehensive plan.**

**Consistent** – The proposed use is in keeping with the city goals and objectives and conforms to the Comprehensive Plan. The vacation will allow for a more efficient development which is consistent with the purpose of the underlying TC-C future land use category. The purpose of the TC-C category is to:

*To encourage and enhance the high-intensity commercial employment center*

*function of the North Beach Town Center's Central Core area; support the Town Center's role as the hub of community-wide importance for business, office, retail, governmental services, culture and entertainment; promote development of a compact, pedestrian and transit oriented, mixed-use area; provide opportunities for live-work lifestyles; and create a place that represents a unique, attractive and memorable destination for residents and visitors.*

2. **The impact on adjacent property, including the potential positive or negative impacts such as diminution of open space, increased traffic, noise level or enhanced property values, improved development patterns and provision of necessary services. Based on the proposed use of the property, the city shall determine the potential impact of the project on city utilities and other infrastructure needs and the magnitude of costs associated with needed infrastructure improvements. Should it become apparent that further evaluation of traffic impact is needed, the proponent shall be responsible for obtaining a traffic impact analysis from a reputable traffic engineer.**

**Consistent** – No negative impacts are anticipated by the proposal. The alley will be rerouted so that access is maintained for the condominium building located at the southwest corner of the affected block.

- Though a ROW is proposed to be vacated, additional ROW will be dedicated to the City, so there will be no diminution of open space. The vacated area will be rebuilt consistent with the North Beach Town Center - Central Core (TC-C) regulations which will provide for additional open spaces and enhance the neighborhood.
- Vacation of the ROW will not affect the transportation network, as vehicular access will be maintained. There is a net loss of developable floor area of 763 square feet (218 SF x 3.5 FAR = 763 SF) so no additional trips will be created as a result of the vacation.
- No noise level impacts are anticipated from the vacation.
- The appearance of the property will improve with the proposed vacation, as the approved development proposal includes a bioswale and an enhanced development. These improvements should enhance surrounding property values.
- Vacation of the ROW will allow for improved utilization of the adjacent parcel, and lead to improved development patterns throughout the North Beach Town Center area, which is in need of economic redevelopment.
- Vacation of the ROW way will not impact adopted levels of service for public infrastructure. Compliance with parks and transportation concurrency for utilization of the floor area that maybe utilized within a unified development site will be determined and mitigated in conjunction with the building permit process; however, no additional utilities or infrastructure are expected to be necessary.

3. **A determination as to whether or not the proposed use is in keeping with a public purpose and community needs, such as expanding the city's revenue base, creating jobs, creating a significant revenue stream, and improving the community's overall quality of life.**

**Consistent** - This proposal expands the City's revenue base by allowing for the development of a more efficient project, consistent with the North Beach TC-C district.

The proposal will allow for the development of a bioswale which will enhance the City's resiliency efforts. In addition, the agreement will allow for the implementation of the North Beach Master Plan which will provide for beautified streets and create larger public spaces and enhance the surrounding community.

**4. A determination as to whether or not the development is in keeping with the surrounding neighborhood, will block views or create environmental intrusions, and evaluation of the design and aesthetic considerations of the project.**

**Consistent** - The surrounding neighborhood will not be negatively affected. Public access through a re-routed alley will be provided. The vacation will not allow for additional development rights that are not currently available, as a result no views will be blocked beyond what could have previously been blocked. No environmental intrusions will be created by the proposed ROW vacation, and the provided bioswale will allow for environmental enhancements.

**5. The impact on adjacent properties, whether or not there is adequate parking, street and infrastructure needs.**

**Consistent** – Vacation of this ROW will not affect the parking or infrastructure needs of adjacent properties. Public parking is not provided within the current alley. It is expected that any new development will provide parking to manage their own needs.

**6. Such other issues as the city manager or his authorized designee, who shall be the city's planning director, may deem appropriate in analysis of the proposed disposition.**

**Not applicable** - The Planning Department has no other issues it deems appropriate to analyze for this proposal.

**CONCLUSION**

Vacation of the public ROW is consistent with the Goals, Objectives, and Policies based on the approved proposals for the property. The vacation of portions of Abbot Court and Normandy Beach Court alleys will generate no negative impacts for the surrounding area. The property would be able to be redeveloped in a more efficient manner; and utility and vehicular access will continue to be provided.