

Planning Board  
File No. 21-0426

Vacation of a Portion of the  
Southern Half of 21<sup>st</sup> Street  
Between Collins Avenue and  
Miami Beach Drive

 The Law Offices of Kent Harrison Robbins, P.A.

Presentation by Law Offices of Kent Harrison Robbins, P.A.  
on behalf of the Dempsey-Vanderbilt and the Setai Resort and  
Residences Condominium Association, Inc.

April 27, 2021



DEMPSEY-VANDERBILT HOTEL, MIAMI BEACH, FLORIDA

G-549







- **The City Attorney opined that City Charter, Section 103(b)(4) applies.**
- **The Planning Board, under Section 118-51. – Powers and duties, paragraph 11 applies to the implementation of property disposition under City Charter Section 103(b)(4).**

## **Section 118-51. – Powers and duties. [of the Planning Board]**

**Paragraph 11 provides the review criteria for the Planning Board to consider disposition of property under City Charter §103(b)4.**

**Paragraph 11(d) criteria states:**

**Determination as to whether or not the proposed use is in keeping with the surrounding neighborhood, **blocks views** or creates other environmental intrusions, and **evaluation of design and aesthetic considerations of the project.****

**(emphasis added)**

# PLANNING ANALYSIS MEMO

1. **FACTUAL FINDINGS  
ARE WRONG**
2. **EVIDENCE SUBMITTED  
TO THE BOARD INCOMPLETE**



# The April 27, 2021 Memorandum “Planning Analysis of Proposed Right of Way (ROW) Vacation – Portion of Southern Half of 21<sup>st</sup> Street” submitted states:

**FACTUAL  
FINDING  
WRONG**

**DESIGN OF  
PROJECT NOT  
SUBMITTED**

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. The ROW area will remain undeveloped, and a public access easement will be provided. As a result, it will not lead to the blocking of views. No environmental intrusions will be created by the proposed ROW vacation.

- 1. Design of the project was not submitted to the Board.**
- 2. Design of the project was not evaluated.**
- 3. Design of the project would show that the added F.A.R. directly arising from the vacating of the right of way (ROW) would enable the development with the ground level addition to block the views from the Dempsey Vanderbilt.**

**PLANNING ANALYSIS  
CONCLUSION  
IS WRONG**

## The City's Conclusion states:

**CONCLUSION  
WRONG**

### CONCLUSION

Vacation of the public ROW is consistent with the Goals, Objectives, and Policies based on the proposals for the property. The vacation of the Street public ROW will generate no negative impacts for the surrounding area. The property would continue to serve a public purpose; as utility and pedestrian access will continue to be provided.

**As a result of the approval of this application, the development WOULD block views from the Dempsey Vanderbilt. It would have a negative impact to the surrounding area.**