

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: June 21, 2022

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB22-0532. Vacation of a Portion of the Alton Court Right-of-Way, Between Lincoln Road and Seventeenth (17th) Street.**

Approval of the Planning Board, by A 4/7 Vote, pursuant to City Charter Section 1.03(B)(4), and Section 118-51(11) of the City's Land Development Regulations, of the proposed Vacation of portions of the Alton Court Right-Of-Way, generally located between Lincoln Road and Seventeenth (17th) Street, and consisting of an Area not to exceed 8,000 Square Feet, or a Length not to exceed 400 Feet ("ROW"), in favor of the abutting property owner, BH THE ALTON LLC (The "Applicant"); provided that the Vacation of the ROW shall be subject to and conditioned upon The Applicant's delivery of certain Public Benefits to the City, no additional Floor Area aggregated from the portions of Alton Court to be Vacated, a Voluntary Monetary Payment, and a Perpetual Easement In Favor Of The City over the ROW, to ensure continued Public Use of the ROW for City Access, Pedestrian and Vehicular Travel, and Utilities.

RECOMMENDATION

Approve the vacation of the ENTIRE Alton Court Right-Of-Way, located between Lincoln Road and Seventeenth (17th) Street.

HISTORY

On May 25, 2022, the City Commission referred the proposed partial alley vacation to the Finance and Economic Resiliency Committee (FERC) and the Planning Board for review and recommendation (Item C4 E).

The FERC is expected to discuss the item on June 24, 2022.

REVIEW CRITERIA

Pursuant to Section 118-51 (11) of the City Code, in reviewing a request for the sale, exchange, conveyance or lease of ten years or longer of certain city-owned property, as provided in City Charter, subsection 1.03(b)4, entitled, "Disposition of city property," which requires approval by a majority (four-sevenths) vote of all members of the planning board, the board shall consider the following criteria when applicable:

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

Consistent – The proposed alley vacation is consistent with the Comprehensive Plan and keeps with the City’s goals of encouraging the development of class A office space along Alton Road. The site has a future land designation of *Medium Intensity Commercial Category (CD-2)*. No Comprehensive Plan amendment would be necessary if the alley were vacated.

b. If a sale, a determination as to whether or not alternatives are available for the acquisition of private property as an alternative to the proposed disposition or sale of city-owned properties, including assembly of adjacent properties, and impact of such assemblage on the adjacent neighborhood and the city in general.

Consistent – The proposed alley vacation will allow for the creation of a unified development site that spans both sides of the existing alley. This would result in allowing Floor Area Ratio (FAR) to be shifted around the block, as it has a consistent CD-2 zoning designation. This expected result is that the west side of the block will remain of a lower intensity, adjacent to a residential district and the more intense development would shift east to the Alton Road corridor, where there are incentives for office development. The shifting of the floor area would limit the potential of intense commercial development along West Avenue, adjacent to residential area. The intense commercial development would instead take place along Alton Road where it is more appropriate.

c. The impact on adjacent properties, including the potential positive or negative impacts such as diminution of open space, increased traffic, adequate parking, noise level, enhanced property values, improved development patterns, and provision of necessary services.

Consistent – The vacation of the alley could result in improved development pattern for the surrounding block. The improvements are as a result of the more intense uses shifting east towards the Alton Road corridor, while the less intense uses would remain on the west near the residential neighborhood along West Avenue. As no FAR is derived from the vacation, there is no potential for increased traffic beyond could occur if the vacation does not take place. Any new development would be facilitated would be required to comply with the parking requirements of the Land Development Regulations (LDRs). Given that the vacation is expected to result in class A office building, it is expected that this proposal will enhance surrounding property values.

d. 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.

Consistent – The surrounding neighborhood will not be negatively affected. As the alley vacation will result in a shifting of the FAR from the west part of the block to the east part of the block will help to preserve views for the residential properties on the west side of

Alton Road. However, design and aesthetic considerations will be considered as part of the design review process for any new development.

- e. **A traffic circulation analysis and plan that details the impact of projected traffic on the immediate neighborhood and how this impact is to be mitigated.**

Partially Consistent – No traffic circulation analysis has been provided; however, no FAR is to be derived from the proposed alley vacation, and the alley will continue to function as it does today given that an easement will be provided to the City. As a result, there will be no increase in the traffic potential of block. The proposal would allow the shifting of FAR from the west side of the block to the east side of the block; however, there would be no net increase in the overall allowable FAR. Any traffic impacts from a future development would be addressed as part of any land use board approval process that may be required.

- f. **Determination as to whether or not the proposed use is in keeping with a public purpose and community needs, and improving the community's overall quality of life.**

Consistent – This proposal is in keeping with a public purpose by facilitating the development of a class A office building. Developing class A office space is a goal of the City, in effort to diversify the City's economy from an overreliance on tourism. Additionally, the City applicant will be voluntarily preferring a monetary contribution for the vacation.

- g. **If a lease is proposed, the duration and other nonfinancial terms of the lease.**

Not Applicable – The alley proposed to be vacated and the land would be privately owned.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(b) of the Land Development Regulations establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

- (1) **Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.**

Partially Consistent – The proposal does affect a site that is vulnerable to the impacts of sea level rise in the long term.

- (2) **Whether the proposal will increase the resiliency of the City with respect to sea level rise.**

Partially Consistent – The proposal should increase the resiliency of the City with respect to sea level rise by encouraging the construction of a new building that complies with the City's resiliency standards; however, it may limit the improvements to existing structures on the west side of the block.

- (3) **Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.**

Consistent – The proposal is compatible with the City’s sea level rise mitigation and resiliency efforts.

ANALYSIS

The applicant, BH THE ALTON, LLC, has submitted a request for the partial vacation of the Alton Court Alley located between Lincoln Road and 17th Street. The applicant is seeking only a partial vacation in order create a unified development site between parcels located on both the east and west sides of the alley. Although the proposed vacation would allow for the movement of FAR between the parcels, the applicant is not seeking additional FAR from the vacated land. Additionally, the applicant would also provide an easement to the city so that the alley continues to function in the same way that it does today, and the city would continue to have access to all utilities. The northern most portions of this alley were previously vacated on July 13, 2016, under similar conditions, to facilitate the development of the 17 West project, where the Trader Joe’s grocery store is located today.

The alley vacation would allow for the creation of a unified development site between the lots on the west side of the block (fronting West Avenue) and the lots on the east side of the block (fronting Alton Road), since all properties have the same CD-2 zoning designation. The applicant is proposing to build a class A office building on the east side of the block and plans on using the unutilized FAR from the properties on the west side of the block. The office building is expected to utilize the recently approved height incentives for office buildings along Alton Road.

Using the available FAR on the west side of the block will result in those properties remaining low scale and reducing potential development impacts to the residential areas on the west side of West Avenue. Notwithstanding, staff would suggest that a minimum amount of floor area be required to be retained for all of the lots fronting West Avenue, in order to ensure a minimum amount of sidewalk activation in the future. Staff believes that the exact amount of floor area to be retained for the lots fronting West Avenue can be addressed as part of the DRB review of the future project.

The applicant has requested that only two small segments, totaling 1,500 square feet, be vacated (See Aerial Map at the end of this report). The Administration has concerns with having various segments of the alley under a different form ownership, as it could result in confusion if work is needed along the alley in the future. In order to address this concern, it is recommended that the entire alley be vacated. Under this proposal, the portions of the alley adjacent to the City-owned parking lot (Lot P24) would revert to the City and the remainder of the alley would revert to the adjacent private property owners. The vacation of the entire alley would total approximately 8,000 square feet with a length of approximately 400 feet.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board approve the vacation of ENTIRE Alton Court Right-Of-Way, located between Lincoln Road and Seventeenth (17th) Street.

SITE MAP

