

TO: Jimmy Morales, City Manager

FROM: Thomas R. Mooney, AICP
Planning Director

DATE: April 26, 2017

SUBJECT: Analysis of Proposed Right of Way (ROW) Vacation – Westerly End of West 59th Street

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 proposal is to vacate the southern half of West 59th Street west of North Bay Road. Additionally, the property owner that will be receiving the southern half of the ROW will be providing a utility easement to the City, and will also transfer a portion of their property to City which will allow waterfront access for the remaining northern half of the ROW. 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 vacated portion of the ROW will continue to be used in a similar fashion as it is used today, as it currently contains a driveway and fence for the adjacent private property. The agreement would provide that a waterfront portion of the adjacent property be transferred to the City providing access to the Bay for the remainder of the ROW. This is consistent with the Comprehensive Plan Conservation/Coastal Zone Management Element Objective 10, which states the following:

Objective 10: PUBLIC SHORELINE ACCESS

Increase the amount of public access to the beach or shoreline consistent with the estimated public need.

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 property being vacated by the City is within the Single Family Residential (RS) future land use category. As the ROW would be incorporated into the property immediately to the south, the vacation will not lead to the construction of new buildings on the site. However, the additional lot area may allow for the home to be expanded due to limitations on unit size based on lot size within the Land Development Regulations.

- Though a ROW is proposed to be vacated, no construction is being proposed within the vacated ROW and a utility easement will be provided; therefore there will be no diminution of open space.
- Vacation of the ROW will not affect the transportation network, as the ROW does not presently contain a roadway. The ROW will not allow for the construction of new uses, therefore additional traffic is not anticipated.
- No noise level impacts are anticipated from the vacation, as the use of the property will remain similar in nature.
- The appearance of the property will improve with the proposed vacation. Additionally, public access to the bay could be provided on the remaining portion of the ROW. These improvements should enhance surrounding property values.
- Vacation of the ROW way will not impact adopted levels of service for public infrastructure. 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 adding untaxed public property to the tax rolls. In addition, the City will generate revenue from the sale of the ROW. Additionally, it will involve the transfer of a waterfront portion of the property to the City, allowing for public access to Biscayne Bay in the remainder of the ROW.

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 portion of the ROW being vacated is currently being utilized by the adjacent property owner for a fence and driveway, so transfer to this owner will not block views. The addition of a waterfront portion of private property to the remainder of the ROW may

allow for improved views to the bay in the future. No environmental intrusions will be created by the proposed ROW vacation.

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. The ROW currently does not provide any parking. No development is proposed on the vacated site that would require additional parking.

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 of the Comprehensive Plan. The vacation of the southern portion of the westerly end of the West 59th Street public ROW will generate no negative impacts for the surrounding area. The property would continue to serve in much the same manner, and public access to the Bay could be provided in the remainder of the property.

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