

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: November 14, 2018

SUBJECT: **Analysis of Proposed Right of Way (ROW) Vacation – 6th 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 6th Street between Alton Road and West Avenue. The right of way contains approximately 50 feet wide and contains approximately 13,902 square feet in area. The adjacent property will be providing a 50 foot wide perpetual utility, roadway, and pedestrian access easement across the vacated city 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 ROW will continue to be used in a similar fashion as it is used today. As part of the overall development of the area that will incorporate the ROW, improvements will be made for pedestrians and bicyclists in the vicinity. This is consistent with Comprehensive Plan Transportation Element Objective 5, which states the following:

Objective 5: Pedestrian and Bicycle Circulation

The City shall strive to increase and promote the safe and convenient use of its bicycle and pedestrian networks including the creation, extension, and improvements of bicycle and pedestrian facilities between and among present and potential major generators of bicycle and pedestrian traffic.

Additionally, the proposal will allow for improved access to the Biscayne Bay Baywalk. 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 Medium Intensity Commercial Category (CD-2) future land use category. This category allows for a maximum floor area ratio (FAR) of 2.0. Vacation of the ROW will allow approximately 27,804 additional square feet to be developed within a unified development site with the parcels to the north and south.

- Though a ROW is proposed to be vacated, no construction is being proposed within the vacated ROW; therefore there will be no diminution of open space.
- Vacation of the ROW as vehicular and pedestrian access will be maintained. The use of the floor area that is made available from the vacation of the ROW could be used for up to 27,804 SF of floor area or up to approximately 25 residential units. If the floor area is utilized for high rise residential development, there is the potential to generate approximately 19 peak hour trips if used for residential purposes. This does not represent a significant increase in peak hour volumes, and the level of service adopted in the Comprehensive Plan will continue to be maintained along Alton Road/Washington Avenue Sub Area within the South Beach Transportation Concurrency Management Area (TCMA).
- 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, as it is expected that a future development will be providing landscaping, pavers, improved pedestrian paths, and other enhancements. These improvements should enhance surrounding property values.
- Vacation of the ROW will allow for improved utilization of the adjacent parcels by allowing for the creation of a unified development site and the movement of floor area between the 500 and 700 blocks and lead to the development of a public park on the adjacent site.
- Vacation of the ROW way will not impact adopted levels of service for public infrastructure. Compliance with water, sewer, stormwater, parks, and transportation concurrency for utilization of the ROW's floor area if utilized, along with the impact of any related development, will be determined and mitigated in conjunction with the building permit process; however no additional utilities or infrastructure are expected to be necessary specifically as result of the ROW vacation.
- Vacation of the ROW will not impact utilities; such as electric, water, sewer, and stormwater transmission, because a utility easement will be provided to the City.

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. The additional floor area that is made available to the adjacent properties will create additional taxable value. In addition, the vacation will result in the development of a public park on the site to the north of the ROW that will be paid for by the property owner and improvements will be made to the ROW area while maintaining vehicular, pedestrian, and utility access.

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 proposed ROW vacation will result in the ability to move floor area within a large development site. This ability will result in lower scale development throughout much of the site that will not block views, while allowing that floor area to be concentrated on one end of the property in a way that will minimize impacts to views. No environmental intrusions will be created by the proposed ROW vacation. The proposed public park that will be developed as a result of the vacation can be utilized to improve long-standing environmental issues.

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. Surrounding properties are not dependent on the parking provided within this ROW should it be removed in the future. Any future development on the adjacent sites that take advantage of the additional floor area that is made available will have to provide parking pursuant to the requirements of the Land Development Regulations.

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 the 6th Street public ROW will generate no negative impacts for the surrounding area. The property would continue to serve in much the same manner; as utility, vehicular, and pedestrian access will continue to be provided.

TRM/RAM

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