

## Exhibit B



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PLANNING DEPARTMENT

## COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Thomas R. Mooney, AICP  
Planning Director

DATE: May 14, 2019

SUBJECT: **Planning Analysis of Proposed Right of Way (ROW) Vacation – Ocean Terrace**

### **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 western half of Ocean Terrace between 74<sup>th</sup> and 75<sup>th</sup> Streets, the southern half of 75<sup>th</sup> Street east of Collins Avenue, and the northeastern portion of 74<sup>th</sup> Street east of Collins Avenue (See the "Right of Way Vacation Area" map at the end of this report). The right of way contains approximately 45,920 SF/1.054 AC in total lot area. A perpetual public access easement will be provided, allowing for the area to continue to function for vehicular and pedestrian access. In exchange for the vacation, the developer of the adjacent Ocean Terrace properties will build out the proposals in the Ocean Terrace Neighborhood Plan for the portions located along Ocean Terrace and side streets between 73<sup>rd</sup> and 75<sup>th</sup> Streets. The Ocean Terrace Neighborhood Plan calls for turning Ocean Terrace into a pedestrian oriented shared street with park areas.

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 for public purposes. Vehicular access and limited parking will remain on side streets, while Ocean Terrace will become a pedestrian area. It will continue to provide public access to the beach and pedestrian facilities will be greatly enhanced. Additional park spaces will be created and access to the beach will be improved. 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.*

Since the developer will be contributing to the development of recreation facilities and enhancement of adjacent recreation areas and open space, the proposal is also consistent with Recreation and Open Space Element Policy 3.5, which states the following:

*Policy 3.5*

*The City of Miami Beach shall continue to use the Land Development Regulations of the City Code as standards and incentives which encourage private sector development projects to landscape required open space, develop private recreation facilities on site, and through the impact fee requirement, contribute to the enhancement of adjacent public recreation and open space.*

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 ROW being vacated by the City is proposed to be within the Mixed-Use Entertainment Category (MXE) and Medium Intensity Commercial Category (CD-2) future land use category. These categories allow for a maximum floor area ratio (FAR) of 2.0. Vacation of the 45,920 SF of ROW will allow approximately 91,840 additional square feet to be developed within a unified development site with the adjacent parcels.

- 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. The vacated area will be rebuilt consistent with the Ocean Terrace Neighborhood Plan which will provide for additional open spaces.
- Vacation of the ROW will not affect the transportation network, as vehicular access will be maintained. The use of the floor area that is made available from the vacation of the ROW could potentially generate up to approximately 34 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 Collins Avenue, Harding/Abbott Avenue, and Indian Creek Drive Sub-Area within the North Beach Transportation Concurrency Management Area.
- No noise level impacts are anticipated from the vacation, as the use of the property will remain open and the use will be similar in nature.
- The appearance of the property will improve with the proposed vacation, as the approved development proposal includes open space, pavers, landscaping, wider pedestrian paths, and other enhancements consistent with the Ocean Terrace Neighborhood Plan. 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 Ocean Terrace and the North Beach 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 adding untaxed public property to the tax rolls. The additional floor area that is made available to the adjacent property will improve the viability of a new development and create additional taxable value. In addition, the agreement will allow for the implementation of the Ocean Terrace Neighborhood Plan which will beautify the street 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. 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.

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. It is expected that public parking will be provided immediately to the north and to the southwest of the proposed vacation.

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 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.