

MIAMI BEACH

PLANNING DEPARTMENT

COMMISSION MEMORANDUM

TO: Jimmy L. Morales, City Manager

FROM: Thomas R. Mooney, AICP
Planning Director

DATE: April 13, 2016

SUBJECT: **Analysis of Proposed Right of Way (ROW) Vacation –
Atlantic Way between 76th Street and 77th 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 herein is to vacate Atlantic Way between 76th Street and 77th Street.

The subject right of way is 30 feet wide and contains approximately 9,000 square feet in area. The vacation is for the purposes of improving Altos Del Mar Park. It is conditioned on (1) the adjacent property owner issuing a Quit Claim Deed to the City of Miami Beach for all but a portion of the Vacated Right-of-Way, as identified in Exhibit B; and (2) the execution by the adjacent property owner of a covenant running with the land substantiating that the vacated property not being deeded to the City will remain free of construction containing habitable space due to the existing FPL perpetual easement along the length of Atlantic Way.

The following is an analysis based on the criteria delineated in Section 82-38 of the City 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 vacation of the ROW will allow for improvements to Altos Del Mar Park, which will better service the surrounding community and improve waterfront access. This is consistent with the Goals, Objectives, and Policies of the City's Comprehensive Plan, including the following:

RECREATION AND OPEN SPACE ELEMENT

GOAL:

Develop and Maintain a Comprehensive System of Parks and Recreational Open Spaces to Meet the Needs of the Existing and Future Population by Maximizing the Potential Benefits of Existing Facilities and Open Space While Encouraging the Preservation and Enhancement of the Natural Environment.

OBJECTIVE 1: WATERFRONT PARK

Preserve beach parks and complete a program of improved park access to water-related recreation activities and facilities.

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 majority property being vacated by the City will be deeded to the City for the purposes of improving a public park. Additionally, the vacation is conditioned on there being no habitable structures being constructed within the portion that is not being deeded as a result of an FPL easement over the site. As a result no impacts to utilities or traffic are expected by the proposal.

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 proposed use is in keeping with a public purpose and community needs and will improve the community's overall quality of life. The majority of the ROW will be deeded back to the City and utilized to improve Altos Del Mar Park.

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 proposal is for the purposes of improving a public park and will not block views or create environmental intrusions.

5. **The impact on adjacent properties, whether or not there is adequate parking, street and infrastructure needs.**

Consistent – The primary intent of the vacation of this ROW is intended to allow for the improvement of Altos Del Mar Park. The park's master plan includes adequate parking. The portion that is not being deeded back to the City will allow for the adjacent property owner to provide off-street parking and improve access to their site.

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

The proposed vacation of the public ROW is consistent with the Goals, Objectives, and Policies of the Comprehensive Plan. The vacation of Atlantic Way between 76th Street and 77th Street will generate no negative impacts for the surrounding area.

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