

To: The Honorable Mayor and City Council

From: Maxine Calloway, Esq., AICP, Director of Community Planning & Development

Date: February 12, 2013

Subject: Proposed Vacation and Abandonment of Two Fifteen feet (15') Wide City Owned Alleyways

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE VACATION, ABANDONMENT, CLOSURE AND SALE OF TWO (2) FIFTEEN FEET (15') WIDE ALLEYWAYS LOCATED BETWEEN NORTHEAST 135TH STREET AND NORTHEAST 136TH STREET, LYING WEST OF NORTHEAST 6TH AVENUE; FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE THE SALE OF THE SUBJECT ALLEYWAYS, IN ACCORDANCE WITH CHAPTER 29, ARTICLE 3, DIVISION 9, CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS, AND TO TAKE ALL NECESSARY STEPS TO EFFECTUATE SAME; PROVIDING FOR EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

RECOMMENDATION

That the City Council approves the proposed Resolution with conditions, for the vacation, abandonment, closure, and sale of two 15 feet alleyways, for the segment lying between Northeast 135th Street and Northeast 136th Street, west of Northeast 6th Avenue.

PLANNING COMMISSION RECOMMENDATION

At its meeting on January 17th, 2013 the Planning Commission (attended by Commissioners, Each, Castor, Ernst, Siefried, Prevatel and Harwitz) reviewed and discussed the proposed resolution to abandon the two 15 feet wide alleyways and consolidate the 8 lot site. Commissioner Prevatel led the charge to add an easement or additional buffer to the western boundary of the property to create additional separation from the subject site and the neighboring single family homes to the west. Staff pointed out that the NRO provisions in Section 4-405D.4.b includes additional setback requirements to encourage a compatible buffer between the proposed high density development from the surrounding low density neighborhood. The majority of the Board members were optimistic that the proposed request would help to advance the development of the vacant site and possibly spur redevelopment in other blighted areas along NE 6th Avenue. As such, the Planning Commission rendered a vote of 4-2 recommending approval of the proposed resolution. The two (2) dissenting votes were cast by Commissioners Harwitz and Prevatel.

BACKGROUND INFORMATION

Conestoga Holdings, LLC (the "Applicant"), owns eight (8) contiguous and abutting lots located on the northwest corner of the intersection of Northeast 135th Street and Northeast 6th Avenue (as specifically identified by Miami-Dade County folio numbers: 06-2219-004-0030, 06-2219-004-0110, 06-2219-004-0120, 06-2219-004-0130, 06-2219-004-0140, 06-2219-004-0150, 06-2219-004-0010, and 06-2219-004-0020). The Applicant filed a development application with the City's Community Planning & Development Department, requesting the abandonment of two (2) fifteen feet (15') wide alleyways that intersect at right angles across the subject site, consisting of approximately seven thousand four hundred twenty five (7,425) square feet, or approximately 0.17 acres in size. **Based on an appraisal report prepared by the City's Real Estate Appraiser dated January 11, 2013 the subject area is valued at \$26,000.**



Two (2) 15 ft wide alleyways

The applicant proposes to consolidate all 8 lots as well as the alleyways in order to develop a new LEED Silver certified mixed use project containing a mixture of residential, retail and community facility uses.

PURPOSE & ANALYSIS

Section 3-903 of the City's Land Development Regulations requires that all requests for street abandonment meet the following minimum criteria:

Provides some benefit to the public health, safety, welfare or convenience, but the overall benefit anticipated to result from the vacation or abandonment outweighs the specific benefit derived from the non fee property interest, in that:

1a. It does not provide benefit to the public health, safety, welfare or convenience in that:
It is not being used by the City for any of its intended purposes.

The subject alleyways are currently unimproved and completely unused by the public. The current request is not anticipated to have adverse impacts on the public health, safety or welfare of the residents in the surrounding area.

1b. No comprehensive plan, special purpose plan or capital improvement program anticipates its use

There is no future use contemplated for the subject alleyways in the City's comprehensive plan, special purpose plan or capital improvement program.

B. The proposed vacation or abandonment will be accomplished in accordance with all applicable standards of local, state and federal authorities.

The alleyway abandonment request is subject to review and approval by the City.

C. The proposed vacation or abandonment will promote development or redevelopment that will maintain or enhance the character of the surrounding area.

*The City is committed to revitalizing the NE 6th Avenue commercial corridor, much of which contains areas of unsightly slum and blight. The proposed mixed use project will generate tax revenue, new jobs and may serve as a catalyst for needed economic development along stagnant commercial corridors like NE 6th Avenue which is poised for redevelopment. In fact **Policy 1.5.8** of the City's requires that "The City shall continue to identify areas of slum and blight in the community, and rank these areas in order of priority, and develop a schedule which will ensure all such areas are studied and solutions are identified." Staff believes the proposed abandonment further implements the Comprehensive Plan vision and brings much needed economic development to the area.*

CONCLUSION

Staff believes the current request meets the requirements of Section 3-903 of the City's Land Development Regulations and recommends approval of the proposed resolution subject to the following conditions:

1. That the applicant agrees to work with City Manager to finalize negotiations for the sale of the subject Right of Way no less than 90% of the appraised value of \$26,000 (i.e. \$23,400) consistent with the City's Charter.
2. That the City effectuates the conveyance by virtue of a Deed.
3. The applicant shall consolidate all 8 lots as well as any abandoned alleyways in the proposed development through a waiver of plat and submit said waiver and supporting application to the office of Community Planning and Development for Council approval prior to final recordation. The applicant will also furnish a copy of the recorded waiver of plat to the Director of Community Planning & Development once it has been recorded with the County.
4. That prior to final Council approval the applicant obtains no objection/impact letters from all utility and telecommunications companies with regard to the provision of easements in order to maintain access to any existing facilities that may presently be located within the alleyway.

TWS: mc

Attachments:

1. Proposed Resolution
2. Exhibit A – Survey
3. Letter of Intent

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE VACATION, ABANDONMENT, CLOSURE AND SALE OF TWO (2) FIFTEEN FEET (15') WIDE ALLEYWAYS LOCATED BETWEEN NORTHEAST 135TH STREET AND NORTHEAST 136TH STREET, LYING WEST OF NORTHEAST 6TH AVENUE; FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE THE SALE OF THE SUBJECT ALLEYWAYS, IN ACCORDANCE WITH CHAPTER 29, ARTICLE 3, DIVISION 9, CITY OF NORTH MIAMI CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS, AND TO TAKE ALL NECESSARY STEPS TO EFFECTUATE SAME; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

WHEREAS, Chapter 29, Article 3, Division 9 of the City of North Miami (“City”) Code of Ordinances (“LDRs”), provides a uniform procedure for the vacation, abandonment and sale of right-of-way properties within the City as it pertains to streets, alleyways, and easements; and

WHEREAS, pursuant to Section 3-903C of the LDRs, the City is desirous of supporting vacations or abandonments that will promote development or redevelopment which will maintain or enhance the character of the surrounding area, while having a positive fiscal impact on the City; and

WHEREAS, Conestoga Holdings, LLC (the “Applicant”), owns eight (8) contiguous and abutting lots located on the northwest corner of the intersection of Northeast 135th Street and Northeast 6th Avenue (as specifically identified by Miami-Dade County folio numbers: 06-2219-004-0030, 06-2219-004-0110, 06-2219-004-0120, 06-2219-004-0130, 06-2219-004-0140, 06-2219-004-0150, 06-2219-004-0010, and 06-2219-004-0020); and

WHEREAS, the Applicant filed a development application with the City’s Community Planning & Development Department, requesting the abandonment of two (2) fifteen feet (15’) wide alleyways that intersect at right angles across the subject alleyways, consisting of approximately seven thousand four hundred twenty-five (7,425) square feet, or approximately 0.17 acres in size; and

WHEREAS, the City administration has reviewed the impact of the vacation and abandonment of the alleyways and found that in its current use, the subject alleyways do not provide a benefit to the public health, safety, welfare or convenience, in that they are not used by the City for any intended public purpose; and

WHEREAS, the Planning Commission, after a duly noticed public hearing held on January 17, 2013, reviewed the proposed abandonment application and found the petition in harmony with the goals, objectives and policies of the Comprehensive Plan, and demonstrating the established standards of Section 3-903A of the LDRs, and thereby, recommended approval of the application to the Mayor and City Council; and

WHEREAS, the Mayor and City Council of the City of North Miami find the proposed vacation, abandonment, closure and sale of the subject alleyways, to be in the best interest of the City and hereby accept the Planning Commission's recommendation for approval.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. Vacation, Abandonment, Closure and Sale of Alleyways. The Mayor and Council of the City of North Miami, Florida, hereby approve the vacation, abandonment, closure and sale of two (2) fifteen feet (15') wide alleyways located between Northeast 135th Street and Northeast 136th Street, lying west of Northeast 6th Avenue, as described in the attached "Exhibit A".

Section 2. Authority of City Manager to Negotiate Sale of Alleyways. The Mayor and Council of the City of North Miami, Florida, hereby authorize the City Manager to negotiate the sale of the subject alleyways, in accordance with Chapter 29, Article 3, Division 9, City of North Miami Code of Ordinances, Land Development Regulations, and to take all necessary steps to effectuate same.

Section 3. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, this _____ day of February, 2013

ANDRE D. PIERRE, ESQ.
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: _____

Seconded by: _____

Vote:

Mayor Andre D. Pierre, Esq.	_____ (Yes)	_____ (No)
Vice Mayor Marie Erlande Steril	_____ (Yes)	_____ (No)
Councilperson Michael R. Blynn, Esq.	_____ (Yes)	_____ (No)
Councilperson Scott Galvin	_____ (Yes)	_____ (No)
Councilperson Jean R. Marcellus	_____ (Yes)	_____ (No)

JOHN C. DELLAGLORIA, P.A.

ADMITTED TO PRACTICE IN NY AND FL

December 12th, 2012

Ms. Maxine Calloway
Director, Community
Planning and Development
City of North Miami, Fl. 33161

RE: N.E. 135th St and N.E. 6th Ave.

Dear Ms. Calloway,

This letter accompanies the application regarding the property at N.E. 135th St. and N.E. 6th Ave. As you know, we have held several conversations regarding the mixed-use development of the property. One possible developer is Carrfour Supportive Housing, Inc., which has been part of the discussions with the City.

Based on our conversations, the application addresses four matters:

1. A re-zoning of all the lots comprising the property to a designation of R-6.
2. Necessary amendments to the Zoning Code and Comprehensive Plan.
3. Alleyway vacation.
4. Conditional Use for approximately 200 residential units.

As the property is comprised of 8 lots, there is attached to the application: (i) the 6 real estate tax bills showing the legal descriptions and the folio numbers of the property currently owned by the applicant. (ii) as we have also discussed, there are two additional lots that will be added in the event that we exercise the options for their acquisition and inclusion in this application. Attached are copies of the first pages of the option purchase and sale contracts, showing the addresses and folio numbers. The mailing labels are inclusive of all 8 properties.

JOHN C. DELLAGLORIA, P.A.

ADMITTED TO PRACTICE IN NY AND FL

It is anticipated that Carrfour will have the one or more of the following types of low income residential tenants:

- (1) Elderly Independent Living
- (2) Formally Homeless
- (3) Military Veterans

Priority will be given to residents of the City. Background checks and drug tests will be part of the tenant application process.

As for potential commercial/office uses, the following are being considered:

- (1) Community Service Space, consisting of: a library; a computer lab; meeting rooms; a gymnasium, and administrative offices
- (2) Grocery store; pharmacy; day care; medical facility; job training center or a farmer's market.

At this time, we are requesting that this application be heard at the January 10th meeting of the Planning Board. The application package includes the required copies of a map of the property, mailing labels and plat.

We are appreciative of the cooperation shown to us by you and your staff, and we are always available for meetings and to provide any additional information you need.

Sincerely,



John C. Dellagloria

C: Tanya Wilson-Sejour, City Planner
Jack Yoches
Paola Roman
Gary Cohen