

City of Coral Gables

Planning Department Staff Report

To: Honorable Planning and Zoning Board Members

From: Planning Department

Date: November 30, 2010

Subject: **Application No. 09-10-120-P. University of Miami – Abandonment and Vacation of Non-Fee Interests.** An Ordinance of the City Commission of Coral Gables pursuant to Zoning Code Article 3, Division 12, “Abandonment and Vacations”, providing for the abandonment and vacation of non-fee interests of the City for the following public rights-of-way identified as: Theo. Dickinson Drive, Wm. E. Walsh Avenue, George E. Merrick Street, Henry King Stanford Drive, Pavia Street and Levante Avenue, all within the University of Miami campus, Coral Gables, Florida; providing for severability, repealer, codification, and an effective date (Mapping and legal descriptions on file for review within the Planning Department).

Recommendation

The Planning Department based upon the Findings of Fact contained herein recommends approval of the following:

An Ordinance of the City Commission of Coral Gables pursuant to Zoning Code Article 3, Division 12, “Abandonment and Vacations”, providing for the abandonment and vacation of non-fee interests of the City for the following public rights-of-way identified as: Theo. Dickinson Drive, Wm. E. Walsh Avenue, George E. Merrick Street, Henry King Stanford Drive, Pavia Street and Levante Avenue, all within the University of Miami campus, Coral Gables, Florida; providing for severability, repealer, codification, and an effective date (Mapping and legal descriptions on file for review within the Planning Department).

Conditions of approval

The Planning Department recommends approval of the right-of-way vacations with the following conditions:

1. The vacation of the rights of way shall be subject to continued enforcement of all public utility easements within the rights-of-way.
2. Provisions shall be made for 24-hour access for utility owners and City personnel to enter upon these easements.
3. The public rights-of-way to be abandoned are not considered an integral part of the overall City street system.
4. The proposed vacations will not impact properties and traffic movements of the geographic area within 2,500 feet of the proposed vacations.

5. The proposed vacations shall not impede emergency vehicular access to adjacent easement properties or solid waste pick-up arrangements within the street vacations.
6. Within 180 days of City Commission approval for the vacation of the streets, the University shall produce plans and drawings to the Fire Department identifying all roadways within the campus as being dedicated “fire access roads” per Florida Fire Prevention Code NFPA 1-18.1.1.1. Further, said plans need to identify all roads, parking lot lanes, and fire apparatus staging lanes per Florida Fire Prevention Code NFPA 1-18.2.3.1.2.
7. All future traffic control devices and designs shall be submitted to the Fire Department for approval prior to any installation per Florida Fire Prevention Code NFPA 1-18.2.3.4.7.
8. All fire access roads and lanes shall be maintained and prohibited from any obstructions thereafter per Florida Fire Prevention Code NFPA 1-18.2.3.5.1.

Request

Abandonments and vacations are adopted in ordinance form after recommendation by the Planning and Zoning Board and consideration by the City Commission at two (2) public hearings. Zoning Code Section 3-1203 sets out the standards for the review of the abandonment and vacation of non-fee interests. Review and recommendation is required by both the Public Works Department and the Development Review Committee (DRC), which is forwarded to the City Manager’s Office, Planning and Zoning Board and City Commission. The proposal was presented to the DRC on 11.19.10. Both the Public Works Department and the DRC had no objections and supported the application with the conditions of approval noted herein. The conditions provided herein represent all City Department conditions of approval.

The following background and support materials are attached as follows:

Attachments:

- A - Location map showing the rights-of-way proposed to be vacated
- B - Applicant’s submittal package
- C - Letters of “no objection” received from affected utility companies
- D - Public Works report regarding the DRC review and comments

Background

City reviews and approvals:

City Reviews/Timeline	Date Scheduled/ Reviewed/Approved*
Development Review Committee	11.19.10
Board of Architects	N/A
Board of Adjustment	N/A
Historic Preservation Board	N/A
Local Planning Agency	N/A
Planning and Zoning Board	11.30.10
City Commission 1 st reading	12.14.10
City Commission 2 nd reading	01.11.11

*All scheduled dates and times are subject to change without notice.

Existing abutting property designations:

Applicable Designations	
CLUP Map Designation	“University Campus”
Zoning Map Designation	University Campus District (UCD)
Within Central Business District	No
Mixed Use District	No
Mediterranean Architectural District (citywide)	N/A
Within Coral Gables Redevelopment Infill District (GRID) (Traffic Concurrency Exemption Zone)	Yes

Findings of Facts

This section evaluates the application for consistency with the Zoning Code and Comprehensive Plan (CP). This evaluation provides Findings of Fact and recommendations for compliance with the above.

Compliance with the Zoning Code

Zoning Code Section 3-1203 sets out the standards for the review of the abandonment and vacation of non-fee interests. This section evaluates all applicable provisions and provides Staff evaluation of each. Applications for the abandonment and vacation of city streets, alleys, special purpose easements and other non-fee interests which the City may have in real property may be approved provided that the following criteria are satisfied:

“The non-fee property interest sought to be abandoned:

1. *Does not provide a benefit to the public health, safety, welfare, or convenience, in that:*
 - a. *It is not being used by the City for any of its intended purposes.*
 - b. *The Comprehensive Plan, special purpose plan, or capital improvement program does not anticipate its use; or”*

Staff evaluation: The public rights-of-way proposed to be vacated do not provide any measurable benefit to the public health, safety, welfare, or convenience to the residents of Coral Gables as they are located entirely within the confines of the University campus boundaries and are currently utilized for interior circulation. There is no intended use or specific purposes identified in the City’s Comprehensive Plan, Capital Improvement Program or any other special purpose plan other than the University of Miami Master Plan for the rights-of-way proposed to be vacated. Pursuant to the approved 2010 Development Agreement between the City and the University, a requirement is provided allowing access for the purpose of emergency vehicle and government services.

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

- a. *The vacation or abandonment will not frustrate any comprehensive plan, special purpose plan, or capital improvement program of the City;*

- b. *The vacation or abandonment will not interfere with any planning effort of the City that is underway at the time of the application but is not yet completed; and”*

Staff evaluation: The City recently adopted a University Campus Master Plan which provided for Comprehensive Plan text and map amendments, Change of Zoning, Zoning Code text amendment and the proposed vacation of rights-of-way. The City also entered into a separate Development Agreement per Florida Statutes.

“The vacation or abandonment will provide a material public benefit in terms of promoting the desired development and improves the City’s long-term fiscal condition and the applicant provides beneficial mitigation in the form of a proffered mitigation plan which mitigates the loss of real property, the increase in the intensity of use and/or impacts on the public health, safety and welfare including increased parking and traffic.”

Staff evaluation: The proposed vacations are in compliance and support the development and objectives of the approved University of Miami Master Plan, and are required as a condition of the recently approved University of Miami Development Agreement. The University shall be responsible for the maintenance and repair of the vacated rights-of-way, which is currently the financial responsibility of the City. The City shall also retain the existing on-street parking meters along the vacated rights-of-way, which shall therefore remain a source of revenue for the City.

Utility Reviews

As required by Code, comments were solicited from all affected utility companies. No objections were received from any of the utility companies. Miami-Dade County Water and Sewer Department (WASD) requested that the full width of the existing rights-of-way be reserved as a permanent utility easement with certain rights and privileges and that no permanent structures be allowed. The City’s Public Works Department agreed this request and the University also had no objection. WASD’s request is included as a recommended condition of approval. All letters of “no objection” from the affected utility companies are provided as Attachment C.

Abutting Property Owner Consent

A Memorandum of Understanding by the University of Miami requesting all abutting property owners quit claim deed their interest in the rights-of-way to the University in exchange for a perpetual easement to access their respective properties was approved by all abutting property owners and is provided within the applicant’s submittal package (see Attachment B).

Findings of Fact Summary

The Findings of Fact that support the approval of the proposal include the following:

1. The proposed vacations are in compliance with the standards set out in Zoning Code Section 3-1203.
2. The public rights-of-way proposed to be vacated do not provide any measurable benefit to the public health, safety, welfare, or convenience to the residents of Coral Gables.

3. The proposed vacations are in compliance and support the development and objectives of the approved University of Miami Master Plan, and are required as a condition of the recently approved University of Miami Development Agreement.
4. The University shall be responsible for the maintenance and repair of the vacated rights-of-way, which is currently the financial responsibility of the City.
5. A Memorandum of Understanding by the University of Miami requesting all abutting property owners quit claim deed their interest in the rights-of-way to the University in exchange for a perpetual easement to access their respective properties was approved by all abutting property owners.
6. The Public Works Department has reviewed and recommended approval of vacations subject to conditions.
7. Affected utility companies have reviewed the proposed vacations and have no objections subject to a condition of approval.
8. The vacations have been reviewed by City Staff via the DRC review process, and there were no objections to the proposal.

Public Notification/Comments

The following has been completed to solicit input and provide notice of the application:

Type	Explanation
Neighborhood meeting completed	N/A
Courtesy notification mailed to all property owners within 1,500 feet of the subject property by the Planning Department	10.21.10
Newspaper ad published	10.21.10
Courtesy notification mailed to all property owners within 1,500 feet of the subject property by the Public Works Department	10.27.10
Posted property	11.12.10
Posted agenda on City web page/City Hall	11.17.10
Posted Staff report on City web page	11.24.10

The perimeter of the campus was posted with 30+ signs and 1,653 courtesy notices were mailed out to all property owners by the Planning Department and Public Works Department within 1,500 feet of the entire perimeter of the campus to advise of the request. This is in excess of the 1,000 feet notification per the Zoning Code. The listing of property owners who returned the notification/comment form, including the date received, property owners name, address, object/no objection/no comment and verbatim comments are attached as Attachment E.


 Respectfully submitted,
 Eric Riel
 Planning Director

Attachments:

- A. Location map of rights-of-way proposed to be vacated.
- B. Applicant's submittal package.
- C. Utility companies letters.
- D. Public Works Development Review Committee report and minutes.
- E. Public comments.