



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Kathie G. Brooks, Interim City Manager

DATE: July 18, 2012

SUBJECT: **A REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE REGARDING A PROPOSED EASEMENT AGREEMENT WITH SHELBORNE ASSOCIATES, GP, COSTELLO INVESTMENTS, INC., AND SHELBORNE OCEAN BEACH HOTEL CONDOMINIUM ASSOCIATION, INC., OWNERS OF THE PROPERTY LOCATED AT 1801 COLLINS AVENUE, FOR A LIFT STATION AND ASSOCIATED CONNECTION TO CITY'S SANITARY SEWER SYSTEM IN THE PUBLIC RIGHT OF WAY OF 18TH STREET, WITH A TOTAL AREA OF 527 SQUARE FEET.**

ADMINISTRATION RECOMMENDATION

The Administration recommends referring the matter to the Land Use and Development Committee for discussion.

BACKGROUND

The subject Property contains the Shelborne Hotel and is located at the northeast corner of the intersection of Collins Avenue and 18th Street. The Shelborne Hotel is classified as Contributing in the Miami Beach Historic Properties Database and is located within the Ocean Drive/Collins Avenue Local Historic District and National Register Architectural District. It was originally designed by Polevitsky & Russel and constructed in 1940, and contains a front addition designed by Morris Lapidus and constructed in 1957. Located along the south side of the Property, 18th Street provides pedestrian access to and from the beach.

The Property occasionally experiences back-ups of sewage onto the Property. It has been determined that a private sewage lift station, owned by the Applicants, is required to address the problem as the standard backflow preventer will not work under the hydraulic conditions. The Applicants and City staff have worked together to address the situation and locate a lift station.

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The following locations were considered that are outside the public right-of-way:

1. Inside the building – Structural constraints and access issues make it extremely difficult to place the lift station inside the existing building.
2. Adjacent to the south side of the building – Negative impacts to the existing building foundation, as verified by a third-party structural engineer, prevent placing the lift station in the 5'-0" setback between the sidewalk and the building on 18th Street.
3. At the front of the building – Code requirements and the historic character of the Shelborne Hotel, as determined by the Planning Department, disqualify placing the lift station at front corner of Shelborne hotel near the intersection of Collins Avenue and 18th Street.
4. At the rear of the building – Adverse impacts to existing structures and foundations exclude placing the lift station in the rear yard.

As such, the lift station must be placed in the City's right-of-way. After careful consideration and analysis, the Applicants and City staff determined that the best and most unobtrusive location is below grade in the existing sidewalk mid-block on the north side of 18th Street at the point where the existing sewer line lateral exits the Property.

The pump station will convey sewage through an underground pipe to the City's sanitary sewer system located directly south of that location near the center of 18th Street. No part of the lift station and the associated conveyance piping in the right-of-way will protrude above the grade of the existing sidewalk or 18th Street. Therefore, the lift station will neither impede pedestrian access to and from the beach, nor inhibit parking in 18th Street. The Applicant will place the control panel, vent stack, and any other above grade elements for the lift station outside of the public right-of-way, in the area north of the sidewalk.

Due to the permanent nature of the lift station, the City will require the Applicants to obtain an easement for the area encroached upon by the lift station and the associated piping. The area of this proposed encroachment is approximately 527 square feet.

ANALYSIS

There is no section of the City Code that provides guidance on the appropriateness of granting an easement. Therefore, staff has reviewed the appropriateness of the facility pursuant to the criteria established under Section 82-38 of the City Code for the proposed sale or lease of City property.

- 1) Whether or not the proposed use is in keeping with city goals and objectives and conforms to the city's comprehensive plan.

Satisfied. Granting the easement for the lift station will uphold the City's goals of protecting the health and safety of the public.

- 2) The impact on adjacent properties (if any), including the potential positive or negative impacts such as diminution of open space, increased traffic, noise level, 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 purchaser/lessee shall be responsible for obtaining and paying for a traffic impact analysis from a reputable traffic engineer.

Satisfied. The lift station and associated piping will be below grade. The lift station access hatch will be at grade on the sidewalk. However, there will not be any negative impact on pedestrian access to and from the beach or any negative impact on parking in 18th Street. There will not be any traffic impacts.

- 3) A determination as to whether or not the proposed use involves a public purpose, or is in keeping with the community's needs, such as expanding the city's revenue base, reducing city costs, creating jobs, creating a significant revenue stream, and/or improving the community's overall quality of life.

Satisfied. Granting the easement for the new lift station serves a public purpose by preventing sewage back-ups that otherwise create a health and safety problem. The easement meets a need of the community by protecting the residents and visitors of this area of the City.

- 4) A determination as to whether or not the proposed use is in keeping with the surrounding neighborhood, will block views or create other environmental intrusions, and evaluation of the design and aesthetic considerations of the proposed development or project.

Satisfied. Lift stations are common and necessary uses in the neighborhood. The lift station and associated piping below at grade and will not block any views. The control panel and vent pipe will be placed outside of the public right-of-way, north of the sidewalk, in a landscaped area and will also not block any views or impede pedestrian or vehicular access. The underground lift station will further protect the view and appreciation of the historic Shelborne Hotel.

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

Satisfied. There will not be any adverse impacts to adjacent properties, including 18th Street. Granting the easement will provide better control of sewage and prevent sewage back-ups.

- 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.

Satisfied. The Applicant and City Administration have worked together and sought to place the lift station on private property. Unfortunately, none of four potential locations on the Property are feasible. Specifically, (1) structural constraints and access issues prohibit placing the lift station inside the existing building; (2) negative impacts to the existing building foundation, as verified by a third-party structural engineer, prevent placing the lift station in the 5'-0" setback between the sidewalk and the building on 18th Street; (3) Code requirements and the historic character of the Shelborne Hotel, as determined by the Planning Department, disqualify placing the lift station at front corner of Shelborne hotel near the intersection of Collins Avenue and 18th Street; and (4) adverse impacts to existing structures and foundations exclude placing the lift station in the rear yard. In addition, engineers for the Applicant have determined to the satisfaction of the City Administration

that installation of a check valve on the existing sewer line exiting the Property is not feasible to resolve the sewage overflows.

The analysis above shows that the criteria for the proposed sale or lease of City property are satisfied, per Miami Beach City Code Sections 82 – 38, to allow an encroachment in the City's right-of-way to provide an underground lift station.

At this time, an appraisal has not been requested of the proposed easement area.

CONCLUSION

The Administration recommends referring the matter to the Land Use and Development Committee for discussion.


JMG/JGG/FHB/JJ/RWS/DW

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