MIAMIBEACH

COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Kathie G. Brooks, Interim City Manager for KGB

DATE: July 25, 2012

SUBJECT: **DISCUSSION REGARDING AN AGREEMENT WITH MARRIOTT SEVILLE, FOR IMPROVEMENTS TO AND THE MAINTENANCE OF THE 29TH STREET END AND TRAFFIC CIRCLE AND FOR THE CONSTRUCTION OF A PORTION OF THE BEACHWALK.**

BACKGROUND

Seville Acquisitions, LLC (Owner) has received development approval for the construction of a hotel and condominium at 2901 Collins Avenue. This approval was completed at five Historic Preservation Board (HPB) meetings and one Board of Adjustment (BOA) meeting.

- On May 10, 2011, the application for the development was approved by the HPB with the exception of the landscape plan and reconfiguration of the 29th Street end and the proposed renovations of the interior of the public spaces.
- On June 14, 2011, the HPB approved the re-configuration of 29th Street.
- On September 9, 2011, the BOA approved variances reducing the setback, view corridor, and rear yard landscaping requirements.
- On September 13, 2011, the HPB approved modifications to the demolition plans and the landscape plan.
- On October 11, 2011 and December 13, 2011, the HPB approved the design of the hotel's public interior spaces.

Notifications of these meetings were sent to properties within 375 feet of the development including Triton Towers. Three residents of the Triton Towers spoke at the May 11, 2011 HPB meeting. Their concerns were related to traffic and noise. The Owner and City staff worked with Triton Towers to ensure that the final product will address their concerns.

ANALYSIS

The June 14, 2011 HPB approval provides for reconfiguring and improving the 29th Street end, including the traffic circle (Attachment A). The City is agreeable to this request but is requiring a maintenance agreement that obliges the Owner to maintain the street end and traffic circle improvements as the City does not have the resources to properly maintain these enhancements. The City will require the Owner to replace pavers that are broken or cracked and maintain the area in a manner to prevent tripping hazards. The Owner will also need to maintain the proposed landscaping in a substantially similar manner to the landscaping which is initially placed.

The Owner has proposed an exchange of easements with the City. The Owner will grant the City an easement for public ingress and egress over a portion of the property (Attachment B) and will construct a public Beachwalk along the rear of the Owner's property from approximately 29th Street to 30th Street, replacing the existing boardwalk. This includes design, permitting, and construction. The Owner has proposed that the City grant it an easement over the improved area for maintenance, repair, and replacement, as necessary (Attachment C). The maintenance agreement and the two easement agreements are being negotiated now and will be taken to the Commission for approval if approved in committee.

As an exchange of easements is proposed, staff has not required an appraisal of the easement that the City will provide to the Owner.

Planning and Public Works staff has reviewed the appropriateness of the proposal 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 will provide for the maintenance of an enhanced street end with brick pavers and landscaping.

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. There should be no negative impact to City infrastructure or to traffic. The project is designed to improve traffic flow and circulation related to the hotel project.

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. The proposal is associated with an important hotel development. This portion of the Collins Avenue corridor has not developed as rapidly as areas of the City further south, and the proposed new hotel developments in this corridor are generally seen as positive for the city's economic and tourism development.

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. The proposed enhancements should greatly improve the aesthetics of the street end, functioning as a park-like setting with robust landscaping. The area will be open to the public.

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

   Satisfied. There should not be any adverse impacts to adjacent properties. The Owner and staff have worked with residents of the adjacent Triton Towers condominium building to ensure that the final product is acceptable to them.

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. Staff has no other issues it deems appropriate to analyze for this proposal.

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.

A subterranean and aerial easement were discussed at the June 13, 2012 LUDC meeting. At this meeting, the Committee discussed thresholds for future approvals, expressing that large projects should probably have additional public hearings, but smaller ones might not need it.

CONCLUSION

This item is brought to the Committee for guidance on the appropriateness of granting an easement over the public right-of-way in exchange for an easement to be granted by the developer.

Attachments:

A. Proposed 29th Street Site Plan
B. Proposed Easement from Owner to City
C. Proposed Easement from City to Owner

JGG//FHB/JGE/RWS

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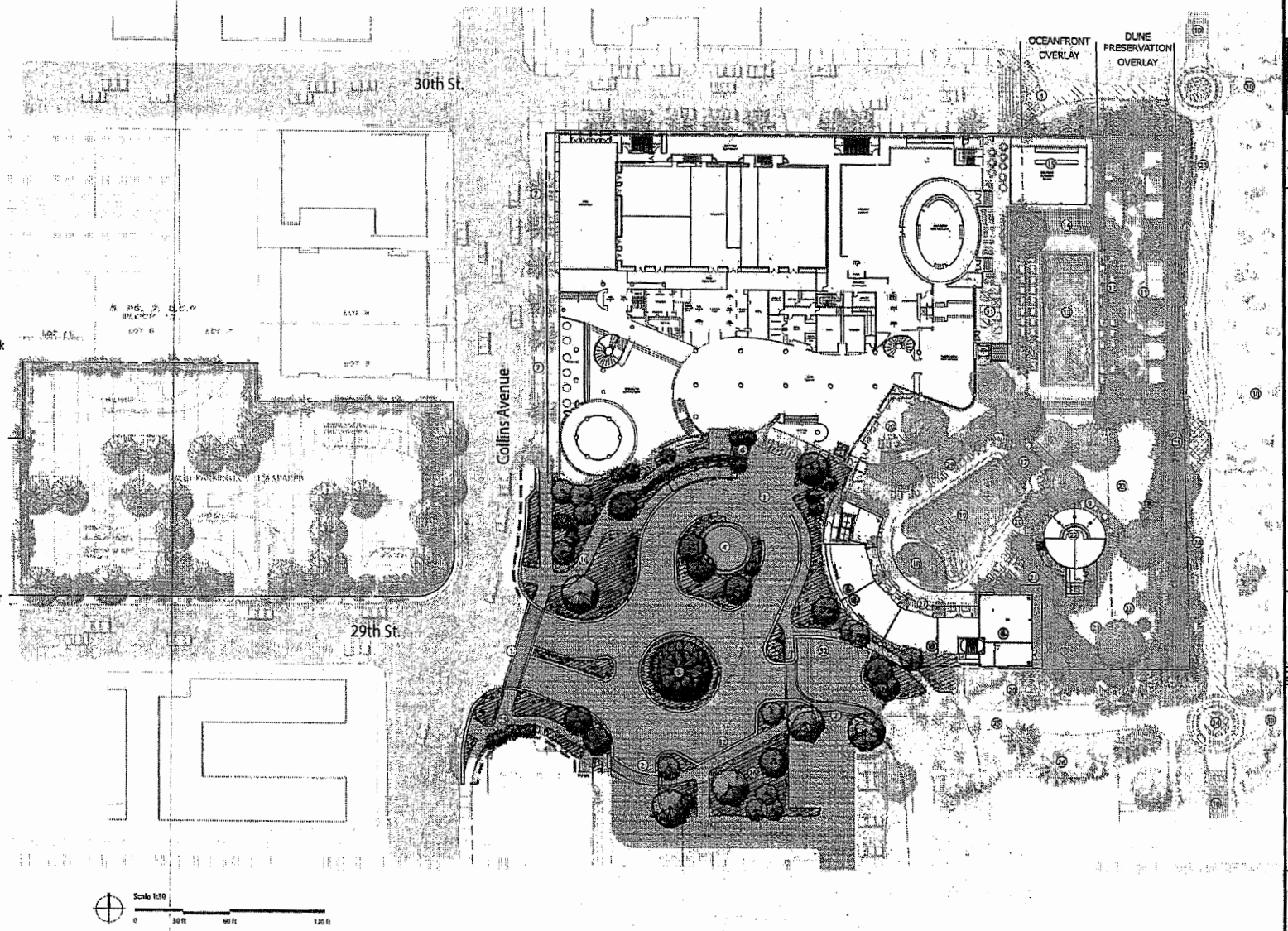
Conceptual Site Plan

1 Re-configured Entry/Exit
2 Connections to Existing Entry Points South of Property
3 Arrival Drop-off at Porte-Cochere
4 Water Feature
5 Kapok Legacy Tree
6 Stair Access between Condominium Entry and Hotel Drop Off
7 Collins Avenue Drop-off lane for Ballroom
8 30th Street Beach Access
9 Outdoor Lounge/Passive Seating Area
10 Beach Walk Connection to Boardwalk
11 Private Pool Cabanas
12 Chaise Lounge zone
13 Tension Edge Pool Level with Pool Deck
14 Grand Stairway to Formal Pool Deck
15 Ocean Club Restaurant/Outdoor Dining/Bar
16 Accessible Route/Ped. Connection
17 Existing Dive Platform
18 Pool Planter
19 Historic Pool
20 Terrace Lounge Seating Off Lobby
21 Coconut Hammock Grove/Passive Seating Area
22 Retrofitted Historic Pool Bar and Upper Level Sun Deck
23 Pool Bar Terrace/ Function Space and Outdoor Movie Theater
24 New at Grade Beach Walk
25 Pedestrian Corridor/Beach Access
26 Additional Area added for Buffer Landscaping
27 Private Patios
28 Sand Activity Zone
29 Chaise Lounge Seating
30 Beach Access at Dune Crossover
31 Restaurant Dining Terrace
32 Metered Public Parking



NICHOLS BROSCH WURST WOLFE & ASSOCIATES, INC.
Architecture & Planning
EDSA
JUNGLES
YASEL/PUSH-HELLERING

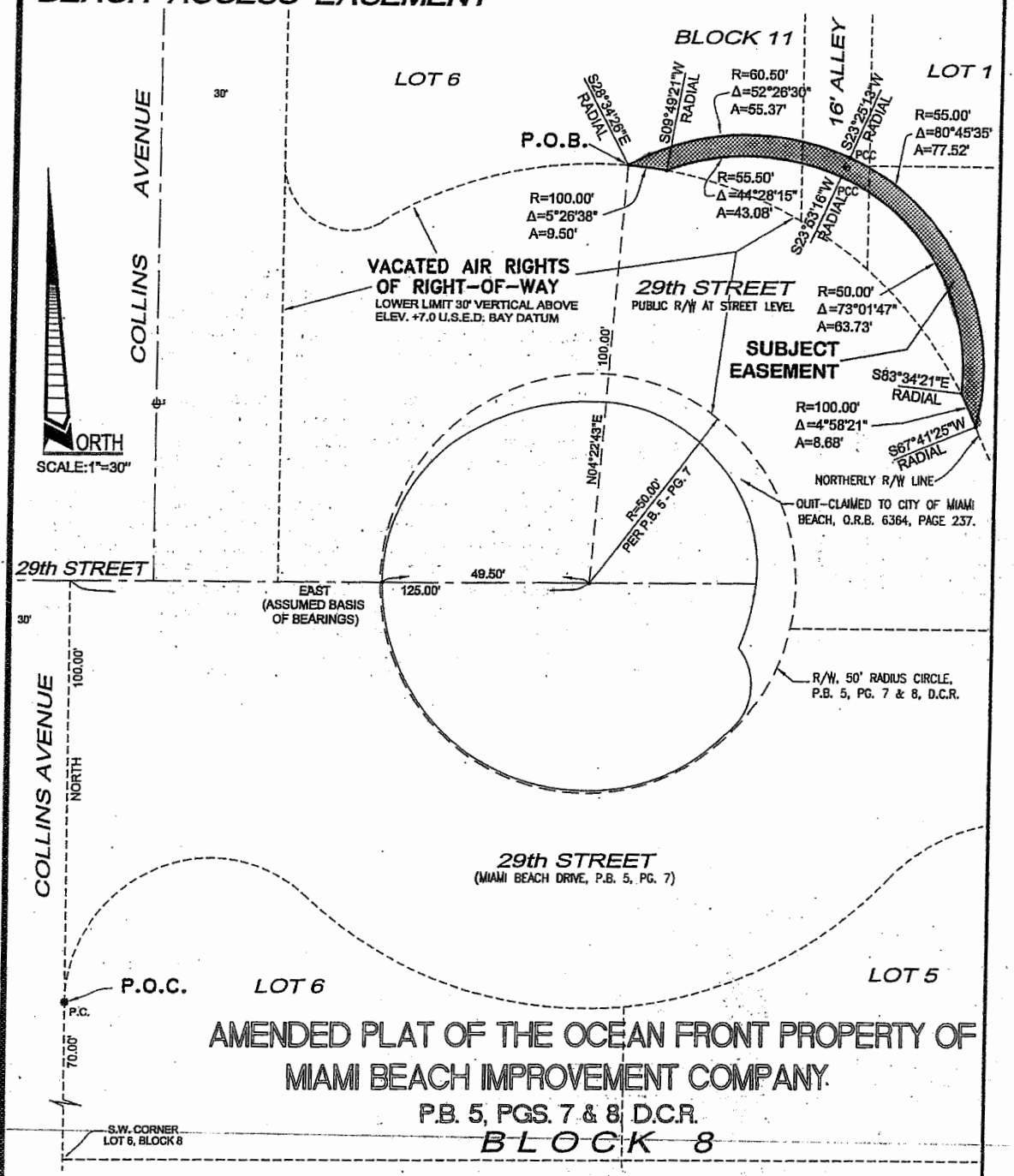
THE SEVILLE
BEACH HOTEL
JINS AVE. MIAMI BEACH, FL. 33142

Attachment A

LUDC#32

Attachment B

EXHIBIT "A"
SKETCH & LEGAL DESCRIPTIC..
BEACH ACCESS EASEMENT



NOTES:

1. The subject parcel lies in fractional Section 26, Township 53 South, Range 42 East, City of Miami Beach, Miami-Dade County, Florida.
2. This is not a survey of any parcel of land.
3. Refer to sheet 1 of 2 for legal description and additional notes.

LEGEND:

Δ=	-	CENTRAL ANGLE
A=	-	ARC LENGTH
D.C.R.	-	MIAMI-DADE COUNTY PUBLIC RECORDS
LB	-	LICENSED BUSINESS
P.B.	-	PLAT BOOK
P.C.	-	POINT OF CURVATURE
P.R.C.	-	POINT OF REVERSE CURVATURE
P.T.	-	POINT OF TANGENCY
PG.	-	PAGE
P.O.B.	-	POINT OF BEGINNING
P.O.C.	-	POINT OF COMMENCEMENT
PCC	-	POINT OF COMPOUND CURVATURE
R=	-	RADIUS
R/W	-	RIGHT-OF-WAY

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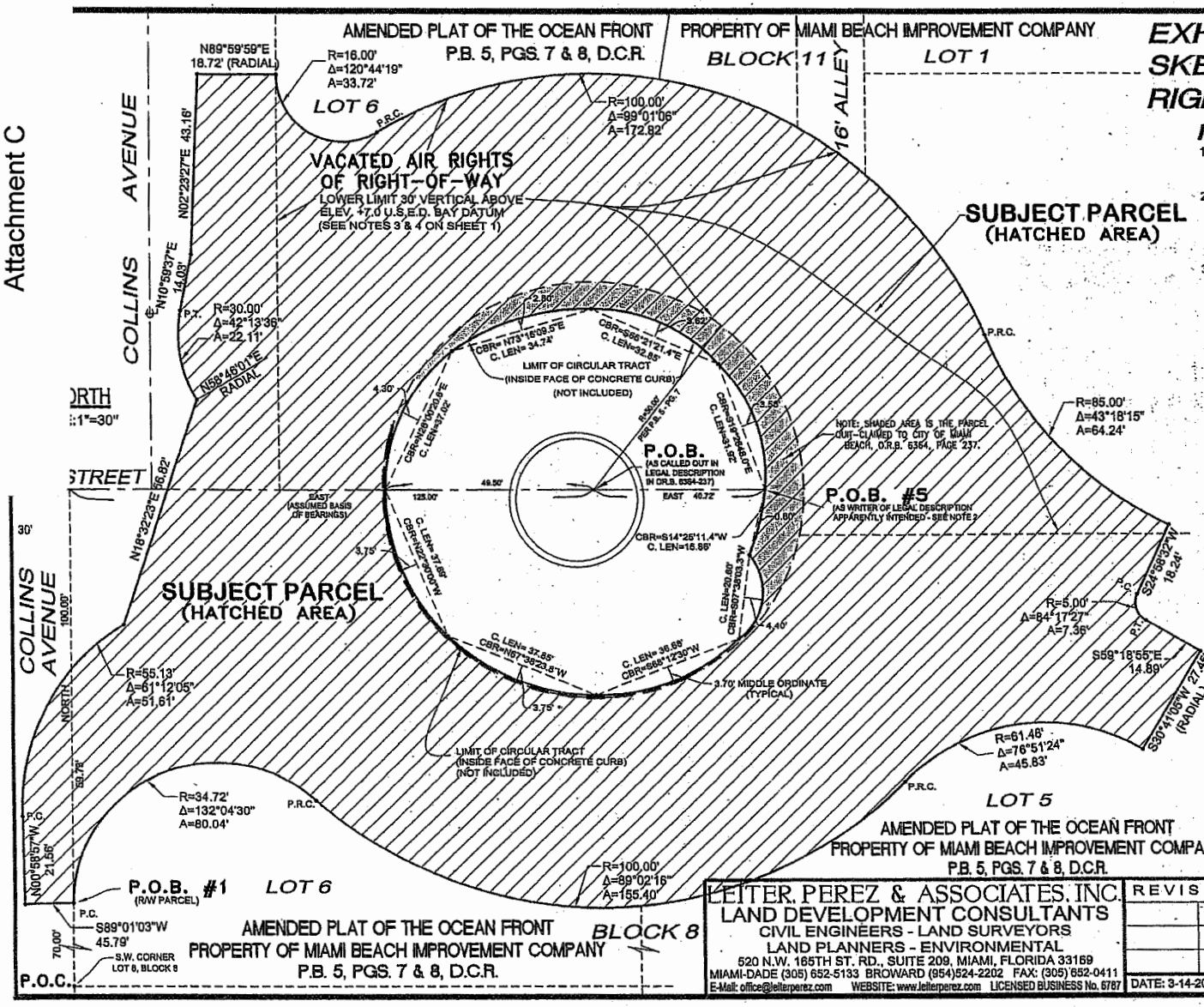
REVISIONS:

DATE: 3-6-2012	JOB NO. : 12-113	FILE: L-1881(A)	SHEET 2 OF 2

Attachment C

LUDC#34

EXHIBIT "B"
SKETCH & LEGAL DESCRIPTION
RIGHT-OF-WAY TRACT



NOTES:

1. The bearing system for the RIGHT-OF-WAY TRACT is based on the survey by Zurwelle Whittaker Inc., with the bearing along the centerline of 29th Street (produced Easterly) assumed to be Due East and West.
2. In the portion of the Legal Description contained in O.R.B. 6364-237, there is a mis-identification of the location of the Point of Beginning (P.O.B.), identifying this point at two different places. These are shown on the sketch. The Circular Tract mathematically closes by the Legal Description, and the mis-identification of the P.O.B. does not affect the boundary or area.
3. The Legal Description for the "VACATED RIGHT-OF-WAY" as it appears in O.R.B. 23426, Page 3774 (Exhibit A-3) is not precisely written for those courses expressly called to track "the inside face of a concrete curb." The description has been plotted using the sketch recorded in O.R.B. 23426, Page 3774 together with certain data given in the description for each arc, namely, the radius and central angle, with the orientation of each arc being based on the chord bearing given. However, the resulting plot does not agree with the alignment of the inside face of the curb as it was measured in the field. One would expect the radius of the arcs tracking the inside edge of the curb to be something less than 50' (the radius of the plotted circular island); however, the radii of these arcs specified in O.R.B. 23426, Page 3774 are substantially more than 50' and the resulting arcs do not fit together to form a smooth curve. Points called out as a P.C. or a P.C.C. do not in fact have the geometric properties of such points. The plot from the data in the description is shown with a dashed line hereon.
4. Location and configuration of subject Parcel based on "Layout Plan", sheet L5-1.02, not dated, and provided by NBWW Architects.
5. AREA of the subject parcel is 31,015 Square Feet, or 0.7120 Acre, more or less.
6. Client: MARRIOTT INTERNATIONAL, INC.
7. All recording references hereon refer to the Public Records of Miami-Dade County, Florida.
8. Reference is made to a Boundary and Topographic Survey of the Parent Tract by Leiter, Perez & Associates, Inc., dated 8-9-10 with most recent revision 2-2-11, File No. B-2229A.
9. The subject parcel lies in fractional Section 26, Township 53 South, Range 42 East, City of Miami Beach, Miami-Dade County, Florida.
10. This is not a boundary survey of any parcel of land.
11. Refer to sheet 1 of 2 for legal description to accompany the sketch.

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REVISIONS:

DATE: 3-14-2012	JOB NO.: 12-113	FILE: L-1881(A)	SHEET 2 OF 2

MIAMIBEACH

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: Jorge M. Gonzalez, City Manager

DATE: June 6, 2012

SUBJECT: **REFERRAL TO THE LAND USE COMMITTEE AND THE NEIGHBORHOOD/ COMMUNITY AFFAIRS COMMITTEE – A DISCUSSION REGARDING AN AGREEMENT WITH MARRIOTT SEVILLE, FOR IMPROVEMENTS TO AND THE MAINTENANCE OF THE 29TH STREET END AND TRAFFIC CIRCLE AND FOR THE CONSTRUCTION OF A PORTION OF THE BEACHWALK.**

ADMINISTRATION RECOMMENDATION

Refer the matter to the Neighborhood/Community Affairs Committee for discussion.

BACKGROUND

On May 10, 2011 and June 14, 2011, the Historic Preservation Board (HPB) approved (pursuant to HPB File No.7249) the substantial renovation and restoration of the existing Seville Hotel located at 2901 Collins.

As a result of the development process, Seville Acquisition, LLC (Applicant), as the owner of the Property, has negotiated an agreement with City staff for the maintenance of the 29th street end and traffic circle and for the construction of a portion of the Beachwalk.

CONCLUSION

The Administration recommends that the Mayor and the City Commission refer the matter to the Neighborhood/Community Affairs Committee for discussion and further direction.

JMG/FHB/JGF/RWS

T:\AGENDA\2012\6-6-12\Referral to NCAC - Marriott Seville Agreement.doc

Agenda Item C4E

Date 6-6-12