



Community Development Department – Planning and Zoning Division
17050 NE 19th Avenue, 1st Floor
North Miami Beach, FL 33162
(305) 948-2966

STAFF REPORT – PLANNING AND ZONING BOARD MEETING

Meeting Date: 06/16/2026	Case Number: 25-06	Name: Vacation of a portion of NE 175 th Street - Right of Way
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REQUEST

A Resolution of the City of North Miami Beach vacating a portion of De-Soto Way NE, also known as NE 175th Street an unimproved forty (40) foot wide public right of way, 0.196 +/- , lying in Section 9, Township 52 South Range 42 East, being part of Fulford By the Sea amended Section “C”, according to the plat thereof, as recorded in Plat Book 25, Page 8 of the public records of Miami-Dade County, Florida.

GENERAL APPLICATION INFORMATION

Applicant	Ruth Ogen, agent for Matthew Anderson and Shlomi Rosolio/Ohav Saias
Property Owner	Ruth Ogen, Matthew Anderson, and Shlomi Rosolio/Ohvas Saias
Property Address	17451 NE 23 rd Ave, 2315 NE 174 th Ter, and 2341 NE 174 th St
Folio Number	07-2209-005-0130, 07-2209-005-0140, and 07-2209-005-0160
Future Land Use Category	Residential Low Density
Zoning District	Residential Single Family – 2 (RS-2) District
Adjacent Zoning Districts	
North	Unincorporated Miami-Dade County -
South	Residential Single Family – 2 (RS-2) District
East	Residential Mid-Rise Multifamily – 23 (RM-23) District
West	Residential Single Family – 2 (RS-2) District
Existing Land Use	Single Family Detached Dwellings and unimproved ROW
Existing Buildable Area	Approximately 39,424 square Feet (0.91 acres) – four separate ownerships
Existing ROW	0.196 +/- acres

Section 17-7 d. 2. (i) requires a petition signed by the owners of at least seventy-five (75) percent of the properties abutting the right of way (ROW) proposed for vacation. This requirement was met as seventy-

Project Staff Planner: Community Development Department	Review Dates: <u>Planning and Zoning Board:</u> 05/11/2026 <u>City Commission Meeting:</u> 06/16/2026	Attachment: I. Staff Report II. Application Package III. Findings and TRAD Sign Off IV. Resolution – including Exhibit A V. Staff Presentation VI. Applicant Presentation
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five (75) percent of the property owners abutting the right of way are party to the application as presented.

BACKGROUND

NE 175th Street right of way (ROW) was platted as the NE De - Soto Way ROW part of the Fulford By the Sea Amended Plat of Section "C" as recorded in the official records of Miami Dade County, in Plat Book 25 Page 8, on March 12, 1926. The Fulford By the Sea plat is generally distinguished by 120 foot wide primary ROWs and 80 foot wide secondary ROWs with 20 foot wide alleys (ROWS) running generally east west through mid-blocks.

Section C is at the northeastern limit of the lands subdivided by the Fulford By the Sea developer. As a result of this the NE 175th Street (De - Soto Way NE) ROW was platted at 40 feet in width as the developer did not own the land that would have been the northern 40 feet of the ROW. Additionally, the developer of Fulford By the Sea, did not own the lands east of land platted as lots 6 and 7 of Blocks 14 and 15.

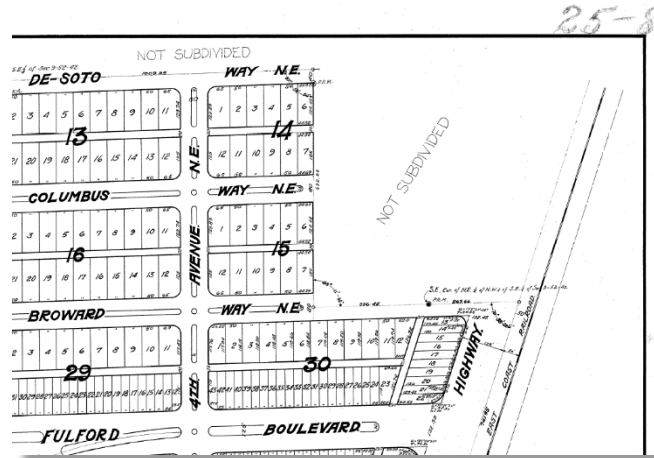


Figure 1: Portion of the plat map of Fulford by the Sea Amended plat of Section C recorded Marh 12, 1926.

The land north of this area of Fulford By the Sea Section C, was subsequently acquired by the Dade County Board of County Commissioners and platted as Greynolds Park as recorded in the official records in Plat Book 34 Page 75 on March 25, 1936. This action eliminated the possibility that the NE 175th Street (NE Desoto Way) ROW could become the 80 foot wide ROW typical of the improved secondary streets in the young City of North Miami Beach. The potential usefulness of the NE 175th Street (NE Desoto Way) ROW was for all practical purposes eliminated on January 22, 1969 when the Woodland Acres subdivision plat



Figure 2: Areal Map illustrating the area of the proposed vacation of the eastern most portion of the ROW known as NE 175th Street.

was recorded in the official records Plat Book 85 Page 83 finalizing the development of the apartment buildings now known as the Arbors Aventura with buildings constructed in that year that block the old Fulford by the Sea rights of way known as NE 175th Street (Desoto Way NE), NE 174th Terrace (platted alley), and NE 174th Street (Columbus Way NE). In the intervening years all the lots in Blocks 14 and 15 of the Fulford By the Sea plat were developed into four single family detached dwellings. Concurrently, the old right of way plated as an alley was developed (paved) and designated as NE 174th Terrace to provide access to the lots on the northern side of Block 14.

STAFF FINDINGS

Based on the information provided by the applicant, staff research into the City and County records of this area, and an extensive site visit staff can find no record of this ROW even having been improved (paved) to accommodate automotive vehicles or any other mode of access to the properties fronting along the ROW. City of North Miami Beach, Technical Application for Review of Development (TRAD) Committee consistent with the review standards of Section 17-7 e. of the Code of Ordinances found that the portion of public ROW proposed for vacation no longer served the public purpose or interest for which it was dedicated. This TRAD finding was determined in part due to the applicant providing formal “No Objection Letters” from all area utilities indicating that none of these utilities have any existing facilities within the portion of the ROW proposed for vacation. Additionally, TRAD found that the ROW bound by Greynolds Park to the north and the apartment complex known as Aventura Arbors to the east, could not provide any current or future through connections to the abutting properties, emergency vehicles, other municipal service vehicles, nor members of the general public.

Staff also, determined that this ROW platted at 40 feet in width with the original developer that recorded the plat not indicating control of the properties to the north. Based on the face of the original plat the entirety of the 40 foot wide ROW, should the ROW vacation be approved, will revert to the private property owners of platted Lots 1 thru 6 of Block 14 within the original Fulford By the Sea Amended Plat Section “C”.

Ownership of Lots 1 thru 6:

Lot Numbers	Miami-Dade County Folio Number	Owner Name
1	07-2209-005-0130	RUTH KELI OGEN TRS, RUTH KELI OGEN REV TR
2	07-2209-005-0140	SHLOMI ROSOLIO, OHAV SAIAS
3 and 4	07-2209-005-0150	JULENNE MELLOW & H JONES – Not Party to Application
5 and 6	07-2209-005-0160	MATTHEW J ANDERSON

Full text of Section 17-7 e. Review Standards:

1. Non-fee property interest sought to be vacated or abandoned 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.

STAFF FINDING: Condition met by application

- (b) No comprehensive plan, transportation masterplan, or capital improvement program anticipates the use of the right-of-way that is being considered for vacation.

STAFF FINDING: Condition met by application

- (c) Does not negatively impact the traffic conditions or access for public safety or the delivery of other municipal services in the area—this condition generally precludes the partial vacation of an existing improved alley which connects to existing improved alleys and/or streets on either end.

STAFF FINDING: Condition met by application

- (d) Does not affect any critical facilities or utilities located in the area.

STAFF FINDING: Condition met by application

- (e) A request petition signed by the owners of at least seventy-five (75%) percent of the properties abutting the portion of the right-of-way proposed to be vacated. The petition for owners' signatures must contain clear language stating the potential benefits and costs to the property owners.

STAFF FINDING: Condition met by application

- 2. 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 nonfee property interest, in that:

- (a) The purpose of the interest sought to be vacated or abandoned will be adequately and appropriately served in an alternative manner when the interest is abandoned or vacated.

STAFF FINDING: Condition met by application

- (b) The vacation or abandonment will not compromise the delivery of emergency services.

STAFF FINDING: Condition met by application

- (c) The vacation or abandonment will not compromise pedestrian or vehicular safety.

STAFF FINDING: Condition met by application

- (d) The vacation or abandonment will not interfere with solid waste removal services.

STAFF FINDING: Condition met by application

- (e) The vacation or abandonment will not frustrate any comprehensive plan, transportation master plan, special purpose plan, or capital improvement program of the City.

STAFF FINDING: Condition met by application

- (f) 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.

STAFF FINDING: Condition met by application

- (g) The vacation or abandonment will provide a material public benefit in terms of promoting development or redevelopment of abutting property, removing blighting influences or improving the City's long-term fiscal position.

STAFF FINDING: Condition met by application

Subsection (h) and (i) below provide review guidance specifically the Planning and Zoning Board and City Commission:

- (h) The Planning and Zoning Board, and City Commission shall recommend denial of the request if the evidence does not support the vacation and closure would be in the best interest of the public and the primary reason for the closure is to provide a benefit for the applicant or adjacent property owners.
- (i) Planning and Zoning Board may recommend, and City Commission may attach conditions to an approval including, but not limited to, access and utility easements reservation, landscaping, and/or public access easement.

The City staff Technical Review of Application for Development (TRAD) Committee found that the application for vacation met all the technical requirements of the cited review standards and provided approval, also known as sign off, of this application to proceed to the quasi-judicial public hearing process. The application process requires review and recommendation by the Planning and Zoning Board at a properly noticed public hearing with final decision of the application at a properly noticed public hearing of the City Commission.

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The proposed resolution vacating a portion of the unimproved NE 175th Street right of way is supported by the following goals, objectives, and policies of the City of North Miami Beach Comprehensive Plan:

Future Land Use Element

Goal 1

Encourage redevelopment and development to enhance the economic base of the City, improve the aesthetic quality of the commercial corridors and existing neighborhoods, and provide a range of housing and employment opportunities to accommodate, serve and employ the projected population, while protecting established single-family neighborhoods.

Objective 1.3

Encourage elimination of uses incompatible with this land use plan.

Policy 1.3.5

The City shall continue to rectify land use conflicts (such as antiquated subdivisions and vested land uses which do not conform with the City's adopted Comprehensive Plan) through appropriate measures, including the acquisition of such lands through Federal, State, and Local programs when possible and revisions to the Land Development Regulations when appropriate.

Private Property Rights Element

Goal 1

Consider the right of property owners in all local decision-making.

Objective 1.1

Apply rules, ordinances, and regulations with sensitivity for private property rights.

Policy 1.1.1

In local decision-making, the City of North Miami Beach shall consider the right of a property owner to physically possess and control his or her interests in the property including easements, leases, or mineral rights.

RECOMMENDED MOTIONS:

On May 11, 2026 the Planning and Zoning Board moved unanimously to recommend approval to the Mayor and City Commission of Resolution R2026-XX for 25-06 (RV-01-2026) Vacating an unimproved portion of NE 175th Street, by finding it is consistent with the requirements of Section 17-7 Abandonment and Vacation and the City of North Miami Beach Comprehensive Plan.

RECOMMENDED MOTION TO CITY COMMISSION:

Move to recommend approval of Resolution R2026-XX for 25-06 (RV-01-2026) Vacating an unimproved portion of NE 175th Street, by finding it is consistent with the requirements of Section 17-7 Abandonment and Vacation and the City of North Miami Beach Comprehensive Plan.

*** NOTE: The Planning and Zoning Board has the express authority to recommend approval, approval with amendments, or denial of any item. Any motion to recommend approval with amendments or denial must include stated cause or causes of said action.

FISCAL/BUDGETARY IMPACT:

Proposed Resolution R-2026-XX Vacation of a portion of NE 175th Street right of way is not anticipated to have any substantive fiscal impact on the City of North Miami Beach. While the vacation of this portion of the NE 175th Street ROW will reduce maintenance and other possible liabilities for care of this land area from the responsibilities of the City. In practice, staff could find no identifiable record that the City has incurred any costs associated with the care and maintenance of this portion of unimproved right of way in its files. The right of way once vacated will revert to the four adjacent property owners increasing the land area of their properties. This increase in lot area should have some impact on the Miami-Dade County Property Appraiser, assessed value and taxable value of these properties. These possible increases in assessed and taxable value would have negligible impact of the total property tax revenue collections, received by the City of North Miami Beach for all properties within the jurisdiction.