




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: Jorge M. Gonzalez, City Manager 

DATE: January 28, 2009

SUBJECT: **REPORT OF THE JANUARY 12, 2009 LAND USE AND DEVELOPMENT COMMITTEE MEETING**

A meeting of the Land Use and Development Committee was held on January 12, 2009. Mayor Matti Herrera Bower and Commissioners Wolfson (Chair), Gross, Diaz, Libbin and Weithorn were in attendance. Members from the Administration and the public were also in attendance. Please see the attached sign-in sheet. The meeting was called to order at 4:20 pm.

OLD BUSINESS

1. DISCUSSION OF PROPOSED ORDINANCES REGARDING GREEN BUILDINGS

Voluntary Version with Incentives

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING THE CITY CODE OF THE CITY OF MIAMI BEACH, BY CREATING NEW CHAPTER 100, ENTITLED "SUSTAINABILITY," BY CREATING NEW ARTICLE I, "GREEN BUILDING ORDINANCE," ESTABLISHING DEFINITIONS, STANDARDS, PROCEDURES AND INCENTIVES FOR REQUIRING THAT ALL NEW CONSTRUCTION OR SUBSTANTIAL RENOVATIONS OF 10,000 SQ. FT. OR MORE OF FLOOR AREA MUST SATISFY THE REQUIREMENTS OF LEED SILVER CERTIFICATION, AS ESTABLISHED BY THE U.S. GREEN BUILDING COUNCIL; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

Mandatory Version

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING THE CITY CODE OF THE CITY OF MIAMI BEACH, BY CREATING NEW CHAPTER 100, ENTITLED "SUSTAINABILITY," BY CREATING NEW ARTICLE I, "GREEN BUILDING ORDINANCE," ESTABLISHING DEFINITIONS, STANDARDS, PROCEDURES AND INCENTIVES FOR REQUIRING THAT ALL NEW CONSTRUCTION OR SUBSTANTIAL RENOVATIONS OF 10,000 SQ. FT. OR MORE OF FLOOR AREA MUST SATISFY THE REQUIREMENTS OF LEED SILVER CERTIFICATION, AS ESTABLISHED BY THE U.S. GREEN BUILDING COUNCIL; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

AFTER-ACTION: Robert C. Middaugh outlined the mandatory and voluntary versions of the ordinance. He also provided an overview of the Sustainability Committee's recommendation to the Land Use Committee.

Agenda Item CGF
Date 1-28-09

The Committee instructed the Administration to prepare an ordinance that instituted a voluntary program with incentives for buildings with an area of 10,000 square feet or greater. The program would be for LEED Certification. The performance bond would be set at \$1 / square foot and to be posted only if a project avails itself of any of the incentives. The primary use of the bond will be to help achieve compliance and secondarily for assistance in fee reductions. The Committee also requested that the Administration recommend the amount of percent reduction of fees and to identify the funding source for the refunds.

Motion: (Diaz / Gross), vote 3-0.

2. DISCUSSION REGARDING THE MAYOR'S CANDO COMMITTEE'S PROPOSAL FOR COLLINS PARK REQUIRING FOR ALL THE SPACES IN THE CITY PROJECTS OR PUBLIC/PRIVATE JOINT VENTURE PROJECTS IN THE CANDO DISTRICT PORTION OF THE STRUCTURE TO INCLUDE ART GALLERIES, ARTIST'S LOFTS AND LIVE/WORK SPACES

AFTER-ACTION: The Committee instructed the Administration to create an ordinance that specifies that all City projects located in the Cultural Arts Neighborhood District Overlay include a mandatory review, by the City Commission, to evaluate the feasibility of incorporating the uses recommended by the CANDO Committee.

Motion: (Diaz / Gross), vote 3-0.

3. DISCUSSION REGARDING A RESOLUTION ACCEPTING THE RECOMMENDATIONS REPORT FROM THE AFFORDABLE HOUSING ADVISORY COMMITTEE

AFTER-ACTION: The Committee accepted the recommendations from the Affordable Housing Advisory Committee. They instructed the Administration to prepare the necessary ordinances for their review and potential adoption.

Motion: (Diaz / Gross), vote 3-0.

4. DISCUSSION REGARDING THE POTENTIAL REDEVELOPMENT OF THE FORMER SOUTH SHORE HOSPITAL ASSEMBLAGE. (INCLUDING PROPERTIES LOCATED BETWEEN 5TH STREET AND 8TH STREET ON ALTON ROAD AND WEST AVENUE)

AFTER-ACTION: Russell Galbut, representing Crescent Heights introduced the development concept for the subject site. Jonathan Cardello of ADD Inc., explained the project which contains over 470,000-square-feet of high-end retail and dining facilities including underground parking levels for approximately 1,500 automobiles.

The Committee requested that the City Attorney formally opine on the following questions:

1. What is the effect of the Miami Beach Charter section 1.03(c), which limits the floor area ratio ("FAR") on all property within the City to that zoned as of November 7, 2001, on the proposed rezoning of that portion of the South Shore hospital site that is currently zoned CD-2?

2. What is the effect of the Miami Beach Charter section 8.09, which provides in part: "When a hospital district is rezoned, such property shall be rezoned to a district

or combination of districts with a FAR no greater than the zoning of abutting land (sharing lot line),” to the proposed rezoning of that portion of the South Shore hospital site that is currently zoned HD?

The Committee discussed several options with the developer and requested that he return to the Committee at a future date to continue discussing the project and the necessary amendments to the development regulations associated with the project.

5. DISCUSSION REGARDING A PROPOSED ORDINANCE DEALING WITH REVISIONS TO SINGLE FAMILY AD VALOREM TAX EXEMPTIONS

AFTER-ACTION: Item not reached, continued to the February meeting.

6. DISCUSSION TO CONSIDER AN AMENDMENT TO THE LIGHT INDUSTRIAL (L-I) DISTRICT TO MAKE A “TOWING SERVICE” A CONDITIONAL USE

AFTER-ACTION: The Committee discussed several issues associated with this type of facility and the reasons why a Conditional Use review might be appropriate. The Committee decided to table further discussion until such time as other land use items affecting this neighborhood are referred to the Committee.

7. DISCUSSION REGARDING THE POSSIBLE PROHIBITION OR LIMITATION ON ROOFTOP VENUES, RESTAURANTS, BARS, LOUNGES, ETC., OPEN TO THE PUBLIC LOCATED IN ALL DISTRICTS SOUTH OF FIFTH STREET

AFTER-ACTION: Morris Sunshine and Frank Delvecchio spoke on the issue. The Committee instructed the Administration to prepare an ordinance that prohibits rooftop operations south of 5th Street between 8 p.m. to 8 a.m. and referred it to the Planning Board for their review and recommendation.

8. DISCUSSION REGARDING AN ORDINANCE PERTAINING TO REVIEW CRITERIA FOR LOT SPLITS

AFTER-ACTION: Item not reached, continued to the February meeting.

JMG/TW/JSC

LAND USE & DEVELOPMENT COMMITTEE
 JANUARY 12, 2009
 CITY MANAGER'S LARGE CONFERENCE ROOM
 Attendance Sheet

NAME	E-MAIL ADDRESS	CONTACT NUMBERS
1. Jorge Gomez	jgomez@miamibeachfl.gov	X- 7550
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4. Micky Marrero	mmarrero@bzoninglaw.com	305-377-6238
5. M Sunshine	misscutred@thebeach.net	—
6. Nancy Cherry	NCHERRY812@EARTHLINK.NET	305 531 0022
7. Frank Del Vecchio	fdelvecchio@atlonticbb.net	
8. Robert Wanne	rwanne@llluc.com	305-538-5326
9. Jorge Rodriguez	BeachTowing@gmail.com	305 534-2128
10. Ralph Andrade	" " @ " "	" " "
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12. Erik Bjornson	erikbjornson@live.com	
13. Loren LaPorte	lport@hawaii.com	305-538-0090
14. Jack Johnson	Elmington jsope@gmail.com	305-673-1267
15. Sherry Roberts	Sherry@SherryRoberts.com	302-205-2030
16. Joyce Meyers	jmayers@miamibeachfl.gov	X 6167
17. Anna Parekh	annaparekh@miamibeachfl.gov	X 6471
18. Annette Ayala	anneheguala@miamibeachfl.gov	X 6893
19. Rachel Cardello	RCARDELLO@ADDINC.COM	305 482 8102
20. David Kelly	dkelly@bellsouth.net	

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 JANUARY 12, 2009
 CITY MANAGER'S LARGE CONFERENCE ROOM
 Attendance Sheet

	NAME	E-MAIL ADDRESS	CONTACT NUMBERS
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24.	Neisen Kordin	neisen.kordin@akerman.com	(305) 982-5629
25.	ERIKA BRIGLIOSI	ERIKAB@THE-BEACH.NET	305 962 8606
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