



COMMISSION MEMORANDUM

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

FROM: Jorge M. Gonzalez, City Manager

DATE: July 15, 2009

SUBJECT: **REPORT OF THE JULY 1, 2009 LAND USE AND DEVELOPMENT COMMITTEE MEETING**

A meeting of the Land Use and Development Committee was held on July 1, 2009. Mayor Matti Herrera Bower and Commissioners Wolfson (Chair), Gross and Diaz 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 4:50 pm.

OLD BUSINESS:

1. A DISCUSSION REGARDING RESTRICTIONS THAT CAN BE PUT INTO PLACE SO THE CITY COMMISSION, BY A MAJORITY VOTE, CAN NOT DISPOSE OF PUBLIC LAND

AFTER-ACTION: Motion #1: Diaz/Gross (Vote -3-0). Instruct the Administration to amend the City Charter (Section 1.03) requiring a unanimous approval of the City Commission for the disposition of any public street-end bordering on the GU, GC districts or bordering on any waterfront (See proposed text below):

(e) Public Street Ends Bordering GU, GC or Waterfront Land.

The sale, exchange, conveyance, lease, or any other transfer of any City interest in any public street-end bordering on land designated "Government Use", "Golf Course" or Waterfront land, shall require unanimous approval of the City Commission (7/7 vote in favor thereof), excluding the sale, exchange, conveyance, lease or any other transfer not exceeding 10% in width of such street end.

Motion #2: Wolfson/Diaz (Vote-3-0). Instruct the Administration to amend the City Charter (Section 1.03(b)(3) requiring a six-sevenths (6/7) vote of the City Commission for the disposition of any public land not already provided for in the Charter and to remove the Planning Board's review of such disposition (See proposed text below):

3. The sale, exchange, conveyance or lease of ten years or longer of all remaining City-owned property (other than public beach rights-of-way -- see (d) herein below, and other than those properties addressed more specifically in this Charter section 1.03) shall, ~~as provided by Ordinance, require approval by a majority (4/7) vote of all members of the Planning Board and five-sevenths~~ require 6/7 vote of all members of the City Commission.

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2. DISCUSSION REGARDING LEVELS OF SERVICE OF THE TRANSPORTATION ELEMENT OF THE COMPREHENSIVE PLAN

AFTER-ACTION: Item not reached.

3. DISCUSSION REGARDING A PROPOSED AMENDMENT TO CHAPTER 12, ARTICLE II "SPECIAL EVENTS" TO PROVIDE THAT SPECIAL EVENTS PERMITS MAY NOT CONTRAVENE THE PROVISIONS OF PART II OF THE CITY CODE – THE LAND DEVELOPMENT REGULATIONS, OR ORDERS OF THE CITY'S LAND USE BOARDS, WHILE ALSO ALLOWING THE CITY MANAGER OR HIS DESIGNEE TO AUTHORIZE ACTIVITIES CONSISTENT WITH THE INTENT OF SUCH ORDERS, BUT THAT MAY DEVIATE FROM THEM IN CERTAIN LIMITED, NONMATERIAL TEMPORARY WAYS, SUBJECT TO THE APPROVAL OF THE PLANNING DIRECTOR, OR HIS DESIGNEE

AFTER-ACTION: Hilda Fernandez, Assistant City Manager and Max Sklar, Cultural Affairs & Tourism Development Director outlined the issues. Motion #1: Gross/Diaz (Vote- 3-0). Instruct the Administration to prepare an ordinance adding a review criteria to the Planning Board's Conditional Use process that evaluates the way a Special Event Permit may modify the Board's Final Order.

Motion #2: Diaz/Gross (Vote- 3-0). The Committee requested that the Special Events Permit Guidelines be brought to the Land Use and Development Committee for review and possible codification of certain criteria.

4. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RELATING TO THE JURISDICTION OF THE SPECIAL MASTER; AMENDING CHAPTER 30, "CODE ENFORCEMENT," ARTICLE III, "ENFORCEMENT PROCEDURE," SECTION 30-73, "POWERS OF THE SPECIAL MASTER," BY CLARIFYING THAT THE SPECIAL MASTER LACKS JURISDICTION OVER APPEALS FROM OR CHALLENGES TO INTERPRETATIONS OR ACTIONS OF THE BUILDING OFFICIAL, PLANNING DIRECTOR AND FIRE MARSHALL, OR CLAIMS THAT AN ACT OF THE CITY IS UNCONSTITUTIONAL, WHICH ARE BY APPLICABLE LAW VESTED IN OTHER AUTHORITIES, PROVIDING FOR REPEALER; CODIFICATION; SEVERABILITY, APPLICABILITY AND AN EFFECTIVE DATE

AFTER-ACTION: Item not reached.

5. DISCUSSION ON TEMPORARY PARKING LOTS – AMENDMENT TO THE TEN YEAR LIMIT (TWO ORDINANCES)

AFTER-ACTION: Jorge Gomez, Planning Director and Mercedes Lamazares, Principal Planner explained the proposed ordinances. Andrew Frey, representing proponents of the ordinances also spoke. Motion: Diaz/Gross (Vote 3-0). The Administration is to bring forth the Citywide version of the ordinance and allow the further extension of time for temporary parking lots provided the lots comply with the setback and landscape standards for permanent parking lots.

NEW BUSINESS:

6. **DISCUSSION REGARDING THE RECOMMENDATION TO RELOCATE THE LINCOLN ROAD GREEN MARKET TO COLLINS PARK AND THE RENEWAL OF THE MANAGEMENT AND OPERATION AGREEMENTS FOR THE ESPANOLA WAY STREET MARKET, THE NORMANDY ISLE STREET MARKET AND THE ANTIQUES AND COLLECTIBLES MARKET**

AFTER-ACTION: Motion #1: Antiques and Collectibles Market.
Diaz/Wolfson (Vote 3-0). Renew current agreement.

Motion #2: Lincoln Road Green Market.
Diaz/Gross (Vote 3-0). Keep market on Lincoln Road, renew agreement however the Administration should work with vendor to either increase the percent return to the City or increase the minimum guarantee to the City.

Motion #3: Espanola Way Street Market.
Diaz/Wolfson (Vote 3-0). Defer renewal of agreement. The Administration is instructed to work with vendor to explore the possibility of a new strategy for the Market that might circulate between Espanola Way, Collins Park and South Pointe Elementary (with involvement of the PTA).

Motion #4: Normandy Village Street Market.
Diaz/Wolfson (Vote 3-0) renew current agreement.

7. **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH CODE, BY AMENDING CHAPTER 82, PUBLIC PROPERTY, ARTICLE IV, USES IN PUBLIC RIGHTS-OF-WAY, DIVISION 5, SIDEWALK CAFES, SUBDIVISION II, PERMIT, SECTION 82-385, BY PROVIDING MINIMUM STANDARDS, CRITERIA, AND CONDITIONS FOR ENTERTAINMENT IN SIDEWALK CAFÉ PERMIT AREAS ON OCEAN DRIVE BETWEEN 8TH AND 13TH STREETS, AND BY AMENDING CHAPTER 142, ZONING DISTRICTS AND REGULATIONS, ARTICLE V, SPECIALIZED USE REGULATIONS, DIVISION 6, ENTERTAINMENT ESTABLISHMENTS, SECTION 142-1361, DEFINITIONS, TO AMEND THE DEFINITION OF OUTDOOR ENTERTAINMENT TO INCLUDE SUCH SIDEWALK CAFÉ AREAS ON OCEAN DRIVE, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE**

AFTER-ACTION: Gary Held, First Assistant City Attorney explained the purpose of the proposed ordinance.

Motion: Gross/Wolfson (Vote 2-0). The Committee instructed the Administration to place the ordinance on the Commission agenda for consideration.

8. **REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE – DISCUSSION REGARDING THE PROPERTY LOCATED AT 1001 WEST 46TH STREET, AS WELL AS HOW THE CITY CAN PREVENT INSTITUTIONAL USES IN SINGLE FAMILY NEIGHBORHOODS IN THE FUTURE**

AFTER-ACTION: City staff briefed the Committee on the actions taken by the Planning Department and Code Compliance regarding the subject property. Planning Department staff suggested that refinements to the definition of “institutional uses” would further help the City in enforcement of these types of uses. Motion: Gross / Wolfson (Vote 2-0). The

Committee directed staff to explore a Code amendment clarifying and defining "institutional use", and to bring it back to the Land Use and Development Committee at a future date for review.


9. DISCUSSION REGARDING A PROPOSED AMENDMENT TO THE AMENDED AND RESTATED CONCESSION AGREEMENT BETWEEN THE CITY OF MIAMI BEACH, FLORIDA AND BOUCHER BROTHERS MIAMI BEACH LLC FOR MANAGEMENT AND OPERATION OF BEACHFRONT CONCESSIONS, INCREASING THE FENCED STORAGE AREA IN LUMMUS PARK AND INCREASING THE PERMITTED USES OF THE STORAGE FACILITY, AS DELINEATED IN SECTION 10.2.1 OF THE CONCESSION AGREEMENT, IN CONJUNCTION WITH AN OVERALL EXPANSION OF THE FENCED STORAGE AREA FOR THE USE BY THE COUNTY AND THE CITY

AFTER-ACTION: Hilda Fernandez, Assistant City Manager outlined the issue. Motion: Gross/Diaz (Vote 3-0). Approve the amendment to the concession agreement provided that the Boucher Brothers do not occupy an area greater than the proportionate share of their contribution. The Committee also instructed the Administration to bring back the issue of maintenance around the area and to provide photographs of the current conditions for the construction of the new area.

10. DISCUSSION OF THE ORDINANCE ALLOWING AUTOMOBILE SALES ON THE NORTH SIDE OF 5TH STREET IN THE CPS ZONING DISTRICT

AFTER-ACTION: Gary Held, First Assistant City Attorney explained the issue of certain Federal regulations that could affect the proposed ordinance. After much discussion, the Committee decided that the ILEV standards (Inherently Low Emission Vehicle) met the intent of promoting an environmentally friendly and sustainable environment as a legitimate government purpose and concluded that the regulations did not apply. Motion: Gross / Wolfson (Vote 3-0). Instruct the Administration to bring forth the ordinance as per the Planning Board's recommendation including the prohibition of this use East of Washington Avenue. Furthermore, the Committee clarified that only those vehicles qualifying as Inherently Low Emissions Vehicle (ILEV) were to be included in the definition of "alternative fuel" vehicles.

Attachment


JMG/TH/JCG

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LAND USE AND DEVELOPMENT COMMITTEE MEETING

July 1, 2009 @ 4:30 pm

City Manager's Large Conference Room

Attendance Sheet

NAME	E-MAIL ADDRESS	CONTACT NUMBERS
1. Jorge Gomez	jjgomez @ miami-beach.fl.gov	x-7556
2. Tony Angione	Anthony.Angione @ yahoo.com	305-877-4134
3. Louis Bondi	SPARK701 @ hotmail.com	305-864-8546
4. Tony Abreu	TABREU475 @ AOL.COM	305-807-1625
5. Jeff Bechdel	JEFF.themarketcompany @ yahoo.com	
6. Kay Breslin	BRESARO @ aol.com	305-772-5661
7. David Kelley	dkelley @ bell-south.net	
8. Tom Donah	THOMASJ.DONAH @ yahoo.com	517-230-6003
9. Brian Vujnovic	Brian @ sagamorehotel.com	
10. Mathew Pargament	MATHEW.PARGAMENT @ HOTELSAB.COM	786-245-0846
11. M. Sunshine	msunshine @ thebeach.net	
12. Peggy Benua	peggy.benua @ dream-south-beach.com	305-793-7164
13. Tim Nardi	Tim.Nardi @ morgansHotelgroup.com	305-778-7623
14. JP Oliver	JPOliver @ morgansHotelgroup.com	305-674-6486
15. Stu Blumberg	hotelier @ msn.com	305-531-3553
16. Don Tomlin	dtomlin238 @ AOL.COM	305-439-8901
17. Claire Tomlin	claire @ themarketcompany.org	305/775-2166
18. David Mayo	ROCKGARDENCOMPANY @ YAHOO.COM	305-975-6559 / 305-576-6717
19. Wim Forstmann	Wim6 @ Juno.com	786-319-8510
20. Susana Sanchez	700 @	786-366-9421

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LAND USE AND DEVELOPMENT COMMITTEE MEETING

July 1, 2009 @ 4:30 pm

City Manager's Large Conference Room

Attendance Sheet

NAME	E-MAIL ADDRESS	CONTACT NUMBERS
21. IVAN ROJA	Pvanhojops19@yahoo.com	786 344 0692
22. Susan Stern-Fennell	fennellhouse@aol.com s.fennellhouse@aol.com	305-798-0795
23. M. Amayas	@	X 6197
24. M. Courdey	Courdey Prop @	571.4411
25. Brian Moore	bmoore @ harmonykettle.com	954-826-8680
26. Robert Wennelt	rWennelt @ willwennelt.com	305-538-5320
27. POLA REYDBURD	polarey @ polarey.com	305 531-0038
28. Michael W Larkin	@	
29. Jose Corradino	Jose Corradino @ corradino.com	305 594 0735
30. Francisco Gonzalez	fgonzalez @ corradino.com	305 213 9887
31.	@	
32.	@	
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