



COMMISSION MEMORANDUM

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

FROM: Jorge M. Gonzalez, City Manager

DATE: December 9, 2009

SUBJECT: **REPORT OF THE OCTOBER 26, 2009 LAND USE AND DEVELOPMENT COMMITTEE MEETING**

A meeting of the Land Use and Development Committee was held on October 26, 2009. Commissioners Wolfson, Gross, Weithorn 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 4:15 pm.

NEW BUSINESS:

1. **REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE – DISCUSSION REGARDING TRAC BOARD RECOMMENDATIONS TO MAKE LAND DEVELOPMENT APPLICATION AND REVIEW PROCESS MORE TRANSPARENT.**

AFTER-ACTION: Motion: Diaz/Gross (vote 3-0) The Committee recommended that an ordinance amendment be drafted and referred to the Planning Board, which will extend the required mailed and newspaper notice for all four land use boards from 15 days to 30 days minimum. Also, the Committee requested that the Planning Department should attempt to post the information regarding applications to the City's website within 10 days after an application is accepted by the Department and deemed complete.

2. **REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE TO DISCUSS THE CHALLENGING PARKING SITUATION AT SOUTH POINTE PARK**

AFTER-ACTION: Item withdrawn by Commissioner Wolfson.

3. **DISCUSSION REGARDING VARIANCES FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS – AT THE REQUEST OF THE BOARD OF ADJUSTMENTS**

AFTER-ACTION: Staff discussed with the Committee the issue of variance criteria, and types of variances that are regularly heard by the Board of Adjustment, and discussed the location and characteristics of recent variance approvals. The Committee requested that staff continue to work on developing proposals for changes to the regulations that might reduce the number of variances which were necessary, and examining specific areas within which distance separations might not be applicable, and return to the Land Use and Development Committee at an upcoming meeting.

Agenda Item C6B
Date 12-9-09

**4. REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE –
DISCUSSION REGARDING THE PORTION OF SB 360 RECENTLY ADOPTED BY
THE STATE LEGISLATURE ON BUILDING PERMITS**

AFTER-ACTION: Building Department staff indicated that the matter was under the control of the Florida Building Code and was not under City jurisdiction. With regards to development orders from the City's land use boards, the Committee directed Planning Department staff and the City Attorney's Office to explore making the extensions of time granted under the City Code concurrent with any SB360 automatic extensions.

**5. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF
MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI
BEACH, BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW
PROCEDURES," ARTICLE 1, "IN GENERAL," BY ENACTING A NEW SECTION
118-6, ENTITLED "USE OF, AND COST RECOVERY FOR, CONSULTANTS FOR
APPLICATIONS FOR DEVELOPMENT APPROVAL," REQUIRING APPLICANTS
REQUIRED TO SUBMIT TRAFFIC AND OTHER TECHNICAL REPORTS AS PART
OF THEIR APPLICATIONS TO FUND REPORT PREPARATION BY
CONSULTANTS SELECTED FROM A CITY-APPROVED LIST, IN ADDITION TO
ANY CONSULTANT REPORTS THE APPLICANT DESIRES TO SUBMIT, AND TO
REQUIRE COST RECOVERY FOR CITY'S USE OF CONSULTANTS NEEDED TO
REVIEW REPORTS SUBMITTED WITH SUCH APPLICATIONS; PROVIDING
FOR REPEALER; CODIFICATION; SEVERABILITY; AND AN EFFECTIVE DATE**

AFTER-ACTION: The Committee discussed the two proposed alternatives, and expressed their preference for the "Alternate" version of the ordinance, and that if possible, a fixed fee schedule should be explored. The item was to be heard by the Planning Board the next day, and staff was asked to inform the Planning Board of the Committee's recommendation. The item will be scheduled for first reading by the City Commission in January.

**6. REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE –
DISCUSSION REGARDING THE POSSIBILITY OF MAKING A REQUEST TO THE
MIAMI-DADE COUNTY COMMISSION TO ADOPT SOME SHORT-TERM
MODIFICATION TO THE 40 YEAR RECERTIFICATION ORDINANCE TO
PROVIDE RELIEF DURING THESE ECONOMIC TIMES**

AFTER-ACTION: The Committee nominated Commissioner Wolfson to work with staff and to meet with County Commissioners Bruno Barreiro and Sally Hayman to request their support in the proposed modification to the county's ordinance.

**7. DISCUSSION REGARDING NOISE AND PARKING ISSUES RAISED BY SONIA
NAVARRO IN HER PETITION. (MATERIALS TO BE SUBMITTED AT THE
MEETING)**

AFTER-ACTION: Saul Frances, Parking Director introduced the item and provided the Committee with the following update regarding deliveries on the 1400 block of Ocean Drive:

- Commercial loading zones have been relocated away from residential units in the area to alleviate related nuisances.

- Robert Todak, General Manager of The Betsy Hotel has agreed to have their purveyors make deliveries after 9AM to reduce noise and not allow delivery vehicles to back up into the alley which engages a back-up alarm on the vehicle which is one of the major sources of complaint from Ms. Sonia Navarro, a resident of the 1400 block of Ocean Drive. It was also suggested that the back-up alarms on these vehicles have their volume adjusted in order to alleviate this nuisance.

- Ms. Navarro further requested that noise from scooters/motorcycles parking on the 1400 block of Ocean Drive be addressed.

The Land Use and Development Committee directed the Administration to meet with Ms. Navarro and area businesses to develop solutions to the issues discussed.

Attachment


JMG/JSS

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LAND USE AND DEVELOPMENT COMMITTEE MEETING

October 26, 2009 @ 4:00 pm

City Manager's Large Conference Room

Attendance Sheet

	NAME	E-MAIL ADDRESS	CONTACT NUMBERS
1.	Comm. Gross	@	
2.	Comm. Weithorn	@	
3.	Jerry Gomez	@	
4.	Richard Lorber	@	
5.	Mary Samaras	@	
6.	David Bey	@	
7.	Paul McQuill	@	
8.	SAUL FRANCES	@	
9.	Anna Parekh	@	
10.	ROBERT REBOSO	@	
11.	HENRY A. DELGADO	@	
12.	HARRY S. CHERY	@	
13.	Annet Swanson	@	
14.	Michael Larkin	@	
15.		@	
16.		@	
17.		@	
18.		@	
19.		@	
20.		@	

80