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: April 13, 2011

SUBJECT: **REPORT OF THE MARCH 16, 2011 LAND USE AND DEVELOPMENT COMMITTEE MEETING**

A meeting of the Land Use and Development Committee was held on March 16, 2011. Members in attendance were Commissioners Wolfson, Exposito and Gongora; Commissioner Libbin and Mayor Bower were also 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 3:45 pm.

OLD BUSINESS:

1. **a) DISCUSSION REGARDING AN ORDINANCE REQUIRING A MAINTENANCE BOND TO ENSURE ABONDONED CONSTRUCTION SITES MEET PROPERTY MAINTENANCE STANDARDS.**
   (RETURNING FROM THE JULY 26, 2010 LUDC MEETING)

   b) DISCUSSION ON VACANT OR ABANDONED BUILDINGS.
   (REQUESTED BY VICE-MAYOR JONAH WOLFSON AND COMMISSIONER JORGE EXPOSITO, ITEMS C4H AND R9C, MARCH 9, 2011 CITY COMMISSION MEETING)

   AFTER-ACTION: Jorge Gomez introduced the staff report. Commissioner Libbin requested that the City look into a "Completion Bond" concept. Commissioner Góngora asked what the proposed fees were based upon, and staff indicated that they were based upon the actual cost of performing the services expected to be required, as detailed in previous City contracts for such work. Commissioner Góngora also asked whether this would be a cash bond, or other instrument, and enquired as to whether these items would be left up to the Planning Director's discretion or would there be clear, objective standards. Staff responded that they thought that it would essentially be cash, as there would be a very high premium on this type of performance bond given the risks historically involved. Regarding the level of discretion contained in the ordinance, staff agreed that it should be based upon clear objective standards so as to ensure consistency. Mayor Bower indicated that the costs involved should be clearly delineated to the public and the policymakers. Carla Probus, Frank DelVecchio, and Elsa Urquiza spoke. The Mayor was concerned that there was no mechanism to compel such maintenance bonds from existing abandoned buildings which were not seeking a development board or building permit approval. Commissioner Exposito enquired about the impact on staff resources, and staff responded that the actual work would be performed by subcontractors, so no impact on existing services levels would be created. Jack Johnson suggested exploring video surveillance options.

Agenda Item C6A
Date 4-13-11

Commissioners Libbin and Wolfson discussed the issue of Completion Bonds.

MOTION: Góngora/Exposito (vote 3-0)
Bring back the maintenance bond proposal in Ordinance form, and continue the discussion regarding the concept of completion bonds.

2. **DISCUSSION ON PROPOSED AMENDMENTS TO LAND DEVELOPMENT REGULATIONS AMENDING MINIMUM UNIT SIZE AND PARKING REQUIREMENTS FOR AFFORDABLE HOUSING PROJECTS.**
(DEFERRED FROM THE JANUARY 31, 2011 LUDC MEETING)

AFTER-ACTION: Item deferred.

3. **DISCUSSION REGARDING TEMPORARY STOREFRONT SIGNS.**
(RETURNING FROM THE JANUARY 31, 2011 LUDC MEETING)

AFTER-ACTION: Item deferred.

4. **DISCUSSION ON THE DEVELOPMENT OF A CITYWIDE TRANSPORTATION PLAN.**
(DEFERRED FROM THE FEBRUARY 23, 2011 LUDC MEETING)

AFTER-ACTION: Item deferred.

5. **SHORT-TERM RENTAL ORDINANCE ENFORCEMENT.**
(RETURNING FROM THE FEBRUARY 23, 2011 LUDC MEETING)

AFTER-ACTION: Jorge Gomez introduced the item, and explained that the issue was being scheduled to be heard by the Commission's City Attorney Oversight Committee. Fine schedules for violations were discussed. Staff discussed their understanding that they would be henceforth using websites and other methods to research possible violations of the short-term rental ordinance. Commissioner Exposito requested that staff meet with Danielle Blake of the Miami Association of Realtors to help spread the word in the realtor community about short-term rental regulations. Commissioner Góngora discussed pending legislation in Tallahassee that could negate the City's land use regulations and permit the expansion of unwanted short-term rentals in residential neighborhoods, and urged members and citizens to call their representatives and express their opposition to such efforts.

MOTION: Góngora/Exposito(vote 3-0)

Direct the City Attorney's Office to include the proposed language informing buyers of Short Term Rental regulations and limitations in the standard "No-Lien Letters" sent out by the City, have the City pass a resolution opposing State legislation liberalizing short term rental rules, and take the matter up again at an upcoming Committee meeting.

6. DISCUSSION REGARDING AN ORDINANCE AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 2, "ADMINISTRATION," ARTICLE II, "CITY COMMISSION", BY ENACTING A NEW SECTION 2-12, "MEETING AGENDAS," REQUIRING PROPOSED LEGISLATION OR ORDINANCES THAT APPEAR ON A CITY COMMISSION OR COMMISSION COMMITTEE AGENDA TO HAVE A COMMISSIONER SPONSOR IDENTIFIED; PROVIDING FOR REPEALER; CODIFICATION; SEVERABILITY; AND AN EFFECTIVE DATE.
(DEFERRED FROM THE FEBRUARY 23, 2011 LUDC MEETING)

AFTER-ACTION: Item deferred.

7. DISCUSSION REGARDING THE GALE HOTEL HEIGHT LIMITS.
(RETURNING FROM THE FEBRUARY 23, 2011 LUDC MEETING)

AFTER-ACTION: Commissioner Wolfson introduced the discussion. Richard Lorber gave the background of the height limits for the area within the CD-3 zoning district south of 17th Street between Collins Avenue and Washington Avenue, including the site of the Gale Hotel property. William Cary spoke regarding the historic nature of the existing buildings on the site, as well as the historic buildings in the surrounding neighborhood. Jonathan Cardello, architect for the property owner, gave a presentation on the property and the proposed development of a seven story addition to the site which is proposed to include a robotic garage facility. Mayor Bower indicated that the City's historic buildings were protected by historic preservation ordinances that should protect the Gale Hotel building from being demolished or compromised. Charles Urstadt and Jeff Donnelly both spoke in favor of preserving the historic structures, and against a proposal that would add significant additional height to the existing low-scale historic buildings. Richard Lorber explained the difference between rooftop additions and ground-floor additions as handled in the zoning code, indicating that the retention of the existing buildings meant that redevelopment was limited to one-story rooftop addition. Russell Galbut spoke in favor of the proposed project and the proposed amendment to increase the allowable building height for the property.

MOTION: Góngora/Exposito (vote 3-0)
Allow the Planning Board and the Historic Preservation Board to review the matter as a discussion item, prior to bringing the matter back to the Committee.

8. STATUS UPDATE ON I-1 LIGHT INDUSTRIAL DISTRICT PROPOSED AMENDMENTS.
(RETURNING FROM THE DECEMBER 13, 2010 LUDC MEETING)

AFTER-ACTION: Commissioner Wolfson introduced the item and discussed the permissibility of mechanical lifts in the I-1 district. He expressed concern that this issue has not been resolved and that applications for towing facilities with mechanical lifts could be approved. He felt that these types of facilities could have a negative impact on the area due to the increase in intensity.

Solomon Fellig, Keith Menin, Kent Harrison Robbins, Andrew Mirmelli, Michael Smith, Tammy Tibbles, Deirdre Mermelli, Nancy Leibman, Marilyn Freundlich and Russell Galbut all spoke on the subject of the proposed towing yard project in Sunset Harbour neighborhood. Jorge Gomez went through the list of items the Planning Department was working on for the April LUDC meeting with regards to intensity of uses in the I-1 district.

MOTION: Exposito/Gongora (vote 3-0)
Take the entire matter of the intensity of uses in the I-1 zoning district, including the discussion regarding the automatic stay provisions of proceedings, resulting from appeals of administrative decisions to the Board of Adjustment, back to the City Commission for discussion and guidance to staff on how to proceed.

NEW BUSINESS:

9. DISCUSSION REGARDING THE PRESENT PLANS TO BUILD A CONVENTION CENTER AND CASINO IN MIAMI-DADE COUNTY AND THE POTENTIAL IMPACT ON MIAMI BEACH.
(REQUESTED BY COMMISSIONER EDWARD L. TOBIN, ITEM C4F, FEBRUARY 9, 2011 CITY COMMISSION MEETING)

AFTER-ACTION: Item deferred.

10. DISCUSSION REGARDING SCHOOLS AND DAYCARE CENTERS WITHIN EXISTING NONCONFORMING COMMERCIAL BUILDINGS IN SINGLE FAMILY ZONING DISTRICTS, AS A CONDITIONAL USE.
(REQUESTED BY COMMISSIONER JERRY LIBBIN, ITEM C4G, FEBRUARY 9, 2011 CITY COMMISSION MEETING)

AFTER-ACTION: Richard Lorber explained the item, and how the proposal would allow a school or daycare facility to occupy an existing commercial building which is currently legal nonconforming and located within a single family neighborhood. He indicated that there was only one building he was familiar with that this would affect, namely the existing commercial building on 51st Street.

MOTION: Exposito/Gongora (vote 2-0)
Item referred to Planning Board for review.

Attachment

JMG/JGG/RGL
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LAND USE AND DEVELOPMENT COMMITTEE MEETING
March 16, 2011 @ 3:30 pm
City Manager's Large Conference Room

Attendance Sheet

NAME	CONTACT NUMBER	I WISH TO RECEIVE THE AGENDA ELECTRONICALLY	E-MAIL ADDRESS
1. Roberto Balcker	305 606 1193	yes	roberto Balcker @ gmail.com
2. Alex Tachmes	305-347-7341		atachmes @ shutts.com
3. ILAN SEGAL	305-502-6058	YES	isegal @ standardhotel.com
4. ERIC HARARI	786.543.48.31	YER	ERICHARARI @ GMAIL.com
5. JEFF DONNELLY	305-532-1441	YES	JEFFDONN @ AOL.COM
6. T. Michal Smith (Edna B)	305-534-9183	Yes	tekimthims @ aol.com
7. Jo Asmundsson	305-861-5703	Yes	Jofourmainbeach @ aol.com
8. ELSA URQUIZA	305-494-9060	Y	elsa.URQUIZA @ Att.net
9. Danielle Blake	(305) 468-7015	Yes	danielle @ miamire.com
10. Thais Asper	305-468-7075	Yes	thais @ miamire.com
11. RALPH DeMARTINO	305 695 1105	yes	ralphd @ bellsouth.net
12. Reina Laws	305-733-5703	yes	reina @ bnbmgmt.com
13. DAVID TRY	(305) 781-1421	YES	DAVID @ BNBMGMT.COM
14 DEIRDRE MIMMELLI	(305) 336-3335	YES	didimirmelli @ gmail.com
15. CHRISTINA RODRIGUEZ	(305) 482-8713	YES	crodriguez @ addinc.com
16. AARON PERRY	305-772-8963	Yes	APERRY @ The-beach.net
17. Keith Renin	—	—	@
18. DUNCAN BALLANTYNE	—	—	@
19. Jack Johnson	305-673-1267		jjsobe @ gmail.com
20. SOLOMON FELLIG	305-538-1117	YES	FELLIG9 @ yahoo.com

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LAND USE AND DEVELOPMENT COMMITTEE MEETING
March 16, 2011 @ 3:30 pm
City Manager's Large Conference Room

Attendance Sheet

NAME	CONTACT NUMBER	I WISH TO RECEIVE THE LINK TO THE ELECTRONIC AGENDA	E-MAIL ADDRESS
21. Steve Showalter	(336) 402-4428	Steve	Showalter @ THEFRESHMARKET.com
22. Dave Meadows	(336) 420-4951		DAVEMEADOWS @ THEFRESHMARKET.com
23. M. Festo	954-465-9537		BTOLJ of Miami @
24. Tammy Tibbles	305-389-7201		@
25. K Tigner	7610		@
26. Lee Mollan	786-499-6134	✓	Lee @ TheLeadMiamiBeach.com
27. FRANK DEL VECCHIO	305-672-2486		fdelvecchio @ atlantic66.net
28. JONATHAN CARDELLO	305-482-8700		JCARDELLO @ ADDINC.com
29. Jorge [illegible]	x-7610		@
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