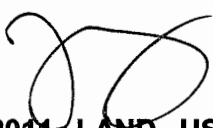




City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

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

FROM: Jorge M. Gonzalez, City Manager 

DATE: September 14, 2011

SUBJECT: **REPORT OF THE JULY 20, 2011 LAND USE AND DEVELOPMENT COMMITTEE MEETING**

A Land Use and Development Committee meeting was held on July 20, 2011. Members in attendance were Commissioners Wolfson, Exposito, Góngora, Tobin and Mayor Bower was 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 3:15 pm.

1. DISCUSSION ON THE OCEAN BEACH HISTORIC DISTRICT R-PS4 ZONING AMENDMENT.

AFTER-ACTION: Commissioner Wolfson introduced the item and expressed support for the proposal. Richard Lorber explained the planning issues involved with the amendment. Commissioner Exposito expressed his concern over the issues of density (maximum cap on the number of units) and short-term rentals (duration and frequency). Frank DeVecchio spoke in favor. Arthur Marcus, Debbie Quade, Debra Pierce, Clotilde Luce, David Kelsey, John Conrad, Steve Mandy, Ruth Remington, Jo Manning, Dr. Morris Sunshine, Nelly Santamarina spoke. David Ardit and Tim Gordon of the Development Team spoke and thanked the participants. Commissioner Góngora enquired of the City Attorney regarding the spot zoning challenge. City Attorney Smith indicated that this ordinance will not create a spot zoning problem.

MOTION: Góngora/Exposito (vote 3-0) Refer to Planning Board, with the direction to consider making the ordinance more robust with respect to avoiding spot zoning, limiting short term rentals to 3 months 3 times a year, a limit of 55 units maximum, and requiring all parking on site.

2. AN ORDINANCE CLARIFYING THE QUALIFICATIONS AND CATEGORIES OF MEMBERS TO BE APPOINTED TO THE CITY'S LAND USE BOARDS.

AFTER-ACTION: Jorge Gomez explained the proposed changes to the membership categories. Commissioner Góngora expressed the desire to open up the categories to provide more flexibility, broadening the architect position to permit licensure in any state.

MOTION: Gongora/Exposito (vote 3-0) Refer to Planning Board with the expansion of the architect category to include licensure in any state.

Agenda Item CGD
Date 9-14-11

3. **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 14 "BUILDING REGULATIONS" OF THE CITY OF MIAMI BEACH CODE OF ORDINANCES, BY ADDING SECTION 14-72 TO BE TITLED "CONSTRUCTION PARKING PLAN", ESTABLISHING THE REQUIREMENTS FOR CONSTRUCTION PARKING PLANS; AMENDING APPENDIX A BY CREATING A CONSTRUCTION PARKING PLAN REVIEW FEE; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

AFTER-ACTION: CONTINUED

4. **AN ORDINANCE OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS", ARTICLE IV, "SUPPLEMENTARY DISTRICT REGULATIONS", SECTION 142-875 "ROOF REPLACEMENTS" TO MODIFY AND EXPAND THE REQUIREMENTS FOR ROOFING MATERIALS IN ALL DISTRICTS; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.**

AFTER-ACTION: Tom Mooney explained the amendment. The Committee expressed the desire to include additional compatibility language, and to clarify the visibility requirement from the adjacent street.

MOTION: Gongora/Exposito (vote 3-0) Bring to the full commission, as amended.

5. **DISCUSSION REGARDING THE GALE HOTEL HEIGHT LIMITS.**

AFTER-ACTION: CONTINUED

6. **DISCUSSION REGARDING CHANGING THE PERMITTED USES IN A CD-2 DISTRICT TO ALLOW FOR SELF STORAGE.**

AFTER-ACTION: CONTINUED

7. a) **DISCUSSION ON A POSSIBLE AMENDMENT TO THE ACCESSORY USE REGULATIONS FOR THE RM-2 ZONING DISTRICT TO PERMIT A LIMITED NUMBER OF COMMERCIAL ACCESSORY USES IN AN APARTMENT BUILDING ADJACENT TO A PUBLIC BAYWALK TO BE OPEN TO THE PUBLIC.**

7. b) **DISCUSSION REGARDING THE BAYWALK CONSERVATION DISTRICT PROPOSAL PUT FORTH BY MEMBERS OF THE LINCOLN WEST NEIGHBORHOOD ASSOCIATION.**

AFTER-ACTION: Robert Duke, resident, spoke out against the commercialization of the next door residential building. Arthur Marcus also expressed his opposition to allowing commercial uses in this area. The Committee decided not to vote on this issue as the proponent was not able to attend. The Committee however, discussed that they were inclined not to support this proposal and to relate this to the proponent.

MOTION: Continued to September.

8. DISCUSSION ON THE DE-INTENSIFICATION OF THE I-1 LIGHT INDUSTRIAL DISTRICT.

AFTER-ACTION: CONTINUED

9. DISCUSSION ON INCLUDING A CLAUSE FOR EXCEPTIONS IN THE SHORT TERM RENTALS ORDINANCE.

AFTER-ACTION: Commissioner Wolfson introduced the item. Richard Lorber explained the research Planning staff did, finding only one other building which might be in a similar situation in the unlikely event a similar mistake was made at the State licensing level. Jack Johnson and Jeff Donnelly expressed concern regarding the recent State legislation, and the Committee discussed whether amending the ordinance in this fashion would jeopardize the recently adopted ordinance. The Committee requested that the City Attorney's Office resolve this issue before moving it forward. Robert Santos-Alborna of Code Compliance indicated that although there were past code violations at the subject property no recent violations were evident under the current ownership. Simon Ferro, the proponent, offered to assist with the research, and thanked the Committee.

MOTION: CONTINUED to September to permit City Attorney's Office to research the State Legislation and the effect of amending the City's ordinance under the new state statute.

10. DISCUSSION OF OFF-LEASH HOURS AND/OR A DESIGNATED AREA FOR DOGS, NOT FENCED, IN THE GENERAL SOUTH VICINITY OF THE PAR 3 GOLF COURSE, OR OTHER DESIGNATED AREA OF THE PAR 3.

AFTER-ACTION: Commissioner Exposito explained the situation in the neighborhood near the Par 3 golf course, and the desire for a dog walking area. Hilda Fernandez indicated what the City could do, regarding putting up the appropriate signage, and suggested that the City examine more closely what is the best area. Residents of the area explained the desired area on the map of the Par 3.

In a related matter, the Committee discussed elements of the Par 3 Master Plan as requested by the City Commission. Fernando Vazquez explained the details of the Par 3 plan. Commissioner Exposito discussed some potential changes to the proposal. CIP staff explained that they will further research their ability to optimize the parking area while maximizing the open space around the play area.

MOTION: Exposito/Góngora (vote 3-0) Direct staff to find an appropriate location for the Dog Park with similar terms and conditions to the one in South Pointe Park.

MOTION: Exposito/Wolfson (vote 2-0) Direct staff to proceed with the proposed concept plan, maximizing green space, parking to 17 spaces, and bring the item to the full Commission.

11. DISCUSSION ON THE SETTLEMENT AGREEMENT MODIFYING THE SUPER MAJORITY REQUIREMENT TO AMEND THE PAR 3 PLAN.

AFTER-ACTION: Commissioner Exposito introduced the item. Gary Held explained the proposal, and what would be subject to 6-7 vote and what would be 5-7 vote. Residents expressed disapproval of this approach.

MOTION: Exposito/Wolfson (vote 2-0) Motion to make the vote unanimous.

Attachment


JMG/JGG/RGL

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LAND USE AND DEVELOPMENT COMMITTEE MEETING

July 20, 2011 @ 3:00 pm

City Manager's Large Conference Room

Attendance Sheet

NAME	CONTACT NUMBER	I WISH TO RECEIVE THE AGENDA ELECTRONICALLY	E-MAIL ADDRESS
1. Marian Del Vecchio	305-672-2486	✓	mdelvecchio@atlantabb.net
2. Amanda Rodrigues Smith	305-299-8399	✓	amanda.smith@gmail.com
3. Tony Eichenlaub	305-538-6540	✓	tonyeichen@me.com
4. Ludovic BAINVEL	—	✓	ludovicb@me.com
5. Ellen Vargas	305 604-4802	—	Ellenvargas@miamibeachfl.gov
6. Charles Urstadt	305 498-0077	✓	Charlie@Urstadt.com
7. JEFF DONNELLY	305-532-1441	✓	JEFFDONN@AOL.COM
8. Jack Johnson	305-673-1267		jjsabe@gmail.com
9. Robert Santos, ABERNETHY	60686	(code)	@
10. ARTHUR MARCUS	305-674-8945	✓	marcus_A@bellsouth.net
11. Alfredo Tabares	305 579-0588	✓	Gonzalez AI@Gtlow.com
12. Lucia Dougherty	305 579-0603	✓	DoughertyL@Gtlow.com
13. Tim Gordon	212-883-0616	✓	tgordon@gordonhastett.com
14. David Arditi	305-766-8377	✓	Darditi@agmre.com
15. NELI SANTAMARINA	305-538-0661		HLIMARINA@aol.com
16. Rod Eisenberg	305-672-9135	✓	info@sarigocourt.com
17. M. Sena	305-672-9098	✓	@
18. Jo Manning	305-538-3270	✓	drmwk@juno.com
19. Ruth Remington	305-695-1711	✓	RemingtonMiami@gmail.com
20. John Conrad	305-672-1370		john@johnconrad.com

LAND USE AND DEVELOPMENT COMMITTEE MEETING

July 20, 2011 @ 3:00 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. SID GOLDIN	305 866 2066	—	— @
22. LIPE MEDEIROS	305-206-8400	Y	LIPE @THE SOFI GROUP.co
23. David N...	305-673-0440	N	sshotels @bellsofthymex
24. ED CALVIN	305 695 1826		@
25. Heidi Calvin	5) 915 - 4002	yes	MIAMIMAMA@YAHOO.COM
26. Dina Goldentayer	180 277 7539	yes	goldendina@gmail.com
27. SLADJA STANTIC	305.799.7697	Y	SSMIAMI @GMAIL.COM
28. Barbara Cowen			Cowenbarbara@gmail.com
29. Scott Diffenderfer	305-458-3334	yes	Scott@scottdiff.com
30. CATALINA E. HANGRICH	305 299 3113	N	@
31. BERNARDO CAMPOS	305-299-1849	Y	@
32. JOE DEL VECCHIO	305-532-1800	N	@
33. JARED GALBUT	305-799-0775	Y	jgalbut @meninhotels.com
34. MAURICE ARDITI	305 536 1490	Yes	@
35. DUBOIS POLITE	954-540-7734	YES	DPolite @aig.edu
36. Debi Quade	305.401.2169	YES	Debi @DebraQuade.com
37. ROBERT DUKE	305-775-8969	YES	REEFRUNWEE7 @AOL.COM
38. CYNTHIA LUCE	538 6701	No	CLuce @belisouthern.com
39. Joan Hage	305-962-9454	YES	@JOANHAGEOY.com
40. Javier Fernandez	305 225 761 2274	Yes	javier.fernandez @alcerman.com

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