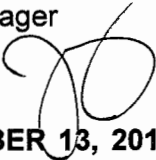




City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## COMMISSION MEMORANDUM

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

FROM: Jorge M. Gonzalez, City Manager 

DATE: January 19, 2011

SUBJECT: **REPORT OF THE DECEMBER 13, 2010 LAND USE AND DEVELOPMENT COMMITTEE MEETING**

A meeting of the Land Use and Development Committee was held on December 13, 2010. Members in attendance were Commissioners Wolfson and Tobin; Commissioners Libbin and Weithorn also attended. 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 ON THE ISSUANCE OF A REQUEST FOR PROPOSAL (RFP) TO DEVELOP A CITY-WIDE TRANSPORTATION PLAN. (RETURNING FROM THE OCTOBER 25, 2010 LUDC MEETING)**

AFTER-ACTION: Deferred to January 31, 2011

### NEW BUSINESS:

2. **DISCUSSION TO TIGHTEN THE CITY ORDINANCE INVOLVING CONDITIONAL USE PROCEDURE FOR SECOND HAND STORES. (ITEM C4F, NOVEMBER 17, 2010 CITY COMMISSION MEETING)**

AFTER-ACTION: Richard Lorber introduced the item and explained the existing rules for both Pawnshops and Second Hand Goods stores. Currently the City Code specifies that in those commercial zoning districts that permit them, pawnshops are a Conditional Use, requiring review and approval by the Planning Board. Second Hand Goods stores, however, while subject to some regulation, are not conditional uses. The Committee discussed extending a similar Conditional Use requirement to second hand goods dealers (non-apparel).

MOTION: Tobin/Wolfson (vote 2-0)  
Refer the matter to the Planning Board.

3. **DISCUSSION REGARDING RM-3 DISTRICTS AND REQUIRING ANY TRANSIENT RENTAL TO COMPLY WITH STATE AND CITY LAW, SALES TAX BEING PAID AND GUESTS BEING REGISTERED IN OCCUPANCY AT A FRONT DESK OPERATION. (ITEM C41, SEPTEMBER 15, 2010 CITY COMMISSION MEETING)**

Agenda Item C6C  
Date 1-19-11

**AFTER-ACTION:** Commissioner Weithorn discussed the matter with the committee, and explained her concerns regarding Condo hotel units being rented by individual owners rather than through the hotel pool or a management company. City Attorney's Office indicated that it would be difficult to compel an owner to rent through these channels exclusively. Staff indicated that nevertheless, the City Code and Florida Statutes are clear that even one individual condo hotel unit rented by its owner is responsible for paying resort taxes. Commissioner Weithorn indicated that rather than pursuing a Code change, it would be acceptable for the Finance Department to pay special attention when auditing Condo Hotel facilities for resort tax purposes, and ensure that individually owned and leased hotel units not accounted for under the main hotel pool should be looked into and made to comply with existing requirements.

**4. DISCUSSION OF LESSENING THE INTENSITY OF THE I-1 DISTRICT  
(ITEM R5F, NOVEMBER 17, 2010 CITY COMMISSION MEETING)**

**AFTER-ACTION:** Commissioner Wolfson introduced the item, and the Committee discussed the various issues related to intensity in the I-1 district of Sunset Harbour. Discussion focused upon the proposed towing facility at the former Windjammer building. Richard Lorber updated the Committee on the status of that application. The Committee directed staff to move forward to tighten the regulations within that district, to take appropriate steps to limit the number of towing companies in the neighborhood, and to ensure the vacation of the Empire Plumbing site by Tremont Towing if they are approved for an alternate location. Nancy Liebman spoke about the neighborhood and expressed support for the proposed legislative changes. The Committee also requested limitations on Neighborhood Impact Establishments within the area, and at the request of staff, referred the modification of the mechanical parking ordinance to the Planning Board.

**MOTION:** Staff to prepare additional modifications to the regulations for the I-1 Urban Light Industrial district, including limits on towing facilities, Neighborhood Impact Establishments, and other developments with potential for negative impacts. Referred the modification of the mechanical parking ordinance to the Planning Board.

**5. ALTON ROAD HISTORIC DISTRICT BUFFER OVERLAY  
(ITEMS R5A & R5J, NOVEMBER 17, 2010 CITY COMMISSION MEETING)**

**AFTER-ACTION:** Jorge Gomez and Richard Lorber introduced the item, and explained how staff has been meeting with attorneys representing certain property owners who objected to the ordinance, and with representatives from the neighborhoods, in an attempt to forge a compromise on several limited points of disagreement. As a result, the Administration proposed an alternate version of the ordinance that would satisfy the most critical objections from both sides; while continuing to represent sound planning principles and the interests of the city-at-large. Staff indicated that although there are still two or three points of contention, the two sides are much closer than previously.

Neisen Kasdin spoke on behalf of property owners, and indicated their points of agreement and their points of contention. Members of the Flamingo Park Neighborhood Association spoke, including Jack Johnson, Jeff Donnelly, Denis Russ, Mark Needle, Adam Shedroff, and others, spoke of their continuing concerns regarding the potential for new development to impact the historic district. Gabrielle Redfern spoke in favor of reducing or eliminating parking requirements. Tammy Tibbles and Jimmy Resnick spoke in favor of maintaining a higher level of development rights.

Commissioner Tobin expressed continued support for the buffer area at the rear of the Alton Road properties abutting residential uses, but had additional questions regarding the rest of the issues. Commissioner Wolfson expressed support for the lower heights originally recommended by the Planning Board. Commissioner Libbin enquired into how the allowable square footage was permitted to be distributed, and pointed out the distances from the rear setback of the upper portion of the buildings to the rear property line. Jorge Gomez summarized the ordinance's goals and explained that the Administration's revised proposal makes sense from the planning standpoint.

**MOTION:** (vote 3-0)

Continue the matter for one month, until the next LUDC meeting in January.

**6. ORDINANCE PROVIDING A RECYCLING PROGRAM FOR MULTI-FAMILY RESIDENCES AND COMMERCIAL ESTABLISHMENTS.  
(ITEM C4A, DECEMBER 8, 2010 CITY COMMISSION MEETING)**

**AFTER-ACTION:** Staff explained the proposed ordinance, which will require mandatory recycling, via the establishment of a City of Miami Beach Recycling Program, for multifamily residences and commercial establishments in the City. The Committee discussed the two versions of the Ordinance, Option "A", the Administration version, and Option "B" the Sustainability Committee version.

**MOTION:** Tobin (no second)

Approve the original version of the proposed ordinance.

**MOTION:** Weithorn/Wolfson (vote 3-0)

Bring the Administration version of the proposed ordinance to the Finance Committee.

Attachment

~~JMG~~ RL  
JMG/RL

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LAND USE AND DEVELOPMENT COMMITTEE MEETING

December 13, 2010 @ 4:00 pm

City Manager's Large Conference Room

Attendance Sheet

NAME	E-MAIL ADDRESS	I WISH TO RECEIVE THE LINK TO THE ELECTRONIC AGENDA	CONTACT NUMBERS
1. Alex Tachmes	ATACHMES@STUTTS.COM		<del>305</del> 305-347-7341
2. Paul David	PAUL @ NEXXTERA.COM		786 222 5005
3. Tammy Tibbles	+ @ TAMMYTIBBLES.COM		305-531-1430
4. Gabrielle	GABRIELLE@GAMMA.COM	Yes	
5. Gerald K. Schwartz	GKS@GERALDKLAW.COM		305-673-1101
6. ANGEL PARETS	ANGEL.PARETS@HOTMAIL.COM		
7. XAVIER FALCONI	XAVIERFALCONI@MIAMI BEACH FL GOV		305-673-7000
8. Kristin Tigner	ktigner@miamibeachfl.gov		305-673-7000
9. Robert Santos-Alonso	robert.santos-alonso@miamibeach.fl.gov		(305) 673-7000
10. DIANA FONTANI	dianafontani@miamibeachfl.gov		X6087
11. Debra Leibowitz	beachbuzz@att.net		305 531-7887.
12. FRANK DEL VECCHIO	Fdelvecchio@atlanticbb.net	Yes	305-672-2486
13. Nancy Lieb	nlieb@aol.com		305-609-2588
14. ARTHUR MARCUS	MARCUS_A@PRISONER.NET		305-674-8945
15. Jack Johnson	jjsebe@gmail.com		305-673-1267
16. Jeff Donahay	JEFFDONAHAY@AOL.COM	Yes	305-532-1441
17. Adam Shedroff	AMS33139@YAHOO.COM	Yes	786-267-7720
18. Molloy	Lee@miamibeach.com	Yes	786-4946134
19. DENIS RUSSE	Denr@MBCDC.org		Yes
20. Kent H. Robbins	Khrobbs@kentharrish.com	Yes	305-532-0500

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