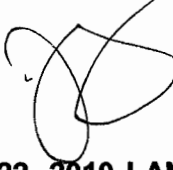




## COMMISSION MEMORANDUM

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

FROM: Jorge M. Gonzalez, City Manager 

DATE: December 8, 2010

SUBJECT: **REPORT OF THE NOVEMBER 22, 2010 LAND USE AND DEVELOPMENT COMMITTEE MEETING**

A meeting of the Land Use and Development Committee was held on November 22, 2010. Members in attendance were Commissioners Góngora, Tobin and Wolfson; Mayor Bower and Commissioner Libbin 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 4:30 pm.

### OLD BUSINESS:

**1. MUNICIPAL ORDINANCE REGULATING COMMERCIAL LOADING ZONES (ITEM R5L SEPTEMBER 15, 2010 CITY COMMISSION MEETING)**

**AFTER-ACTION:** Saul Frances introduced the item, explaining the initial reasons for the requested ordinance. Marlo Courtney of the Ocean Drive Association made comments related to the need for some ability for deliveries to be made to Ocean Drive businesses. The Committee discussed the matter further. Commissioner Góngora expressed the desire to add additional strength to existing ordinance.

**MOTION:** Wolfson/Góngora (vote 2-0)  
Move the proposal to the Transportation and Parking Committee, and then on to the full City Commission.

### NEW BUSINESS:

**2. DISCUSSION REGARDING TEMPORARY STOREFRONT SIGNS (ITEM C6A, SEPTEMBER 20, 2010 CITY COMMISSION MEETING)**

**AFTER-ACTION:** Jorge Gomez introduced the item and expressed the Administration's concerns regarding permitting general advertising in any form. Staff is also concerned about the number of proposed signs, the lack of any limitation on size, and the potential for only a single company to be permitted operate under the proposed ordinance. Commissioner Libbin showed photographs of vacant storefronts and indicated he considered this to be a major problem, and thought the proposed ordinance could help mitigate this. (It should be noted that the City Commission has been updated on the status of these properties via a separate LTC). Jorge Gomez explained that the City was working on a proposal for non-commercial graphics to be used as storefront window coverings, which could be permitted without sacrificing the City's prohibition on general advertising and billboards. Hilda Fernandez explained that she is working with the VCA on such a

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proposal. Gary Held explained the City Attorney's position that window coverings could be permitted if they were non-commercial.

Ray Lee of InWindow advertising introduced his company's concept. Nancy Liebman, Scott Needleman, and Arthur Marcus spoke against the proposed sign ordinance. Tammy Tibbles and Wanda Mouzon expressed support for the proposal. Jack Johnson, Charlie Erstad and Carla Probus spoke against the proposal. Freddy Balsera, on behalf of InWindow, expressed his reasoning behind the proposal. Richard Serafin, attorney for InWindow, explained the process that they had been going through over the past several months, and noted that the ordinance should be approved. Jane Gross and Adam Shedroff spoke against the ordinance.

Commissioner Góngora discussed how to proceed with this issue, and Commissioner Libbin noted that the City needed to decide if they wanted commercial or non-commercial signs. Commissioner Wolfson expressed a preference for the non-commercial track. Commissioner Tobin stated that the City needed to come back with a fully developed non-commercial signage program otherwise he would be in favor of a commercial signage option.

**MOTION:** Wolfson/Gongora (vote 2-1, Tobin opposed)  
Return in two month with a fully developed proposal for non-commercial temporary storefront window signs.

### **3. DISCUSSION ON A STRICTER PANHANDLING ORDINANCE. (ITEM C4C, OCTOBER 27, 2010 CITY COMMISSION MEETING)**

**AFTER-ACTION:** Hilda Fernandez introduced the item, and City Attorney Jose Smith also discussed the matter. The item was opened for public comment. Carla Probus made comments about her observations. Commissioner Tobin enquired if there had been any arrests made for panhandling activities.. Commissioner Góngora expressed his thoughts on the various areas of concern within the City. Mayor Bower enquired if the City's security guards could be empowered to enforce the ordinance.

**MOTION:** Tobin/Gongora (vote 2-0)  
Return in one month with additional information on how the proposal should be further developed and structured.

### **4. DISCUSSION REGARDING THE PROPOSED FLAMINGO PARK SKATE PARK.**

**AFTER-ACTION:** The Committee took public testimony from Flamingo Park residents on their concerns about the proposed Flamingo Park skatepark. Tammy Tibbles spoke on the fact that this design would be a regional destination and not just a neighborhood skatepark, and would attract larger numbers of visitors, traffic and parking needs. Bruce Gidder expressed the belief that the skateboard park was incompatible with the handball courts. Ilona Wiss referenced concerns about traffic. Mayor Bower spoke about her concerns regarding the skatepark being such an


intense use within the park. Commissioner Góngora also spoke about his concerns regarding this proposal.

**MOTION:** Wolfson/no second  
Motion to modify the Flamingo Park Master Plan to remove the skatepark.

**MOTION:** Wolfson/Tobin (vote 3-0)  
Motion to reject this particular version of the proposed Flamingo Park skatepark.

**MOTION:** Góngora/Wolfson (vote 2-1, Tobin opposed)  
Motion to direct the Administration to explore finding an alternate location within the City for a skatepark other than Flamingo Park.

Attachment

  
JMG/JGG/RGL

T:\AGENDA\2010\November 17\Consent\LUDC Meeting of October 25, 2010.docx

LAND USE AND DEVELOPMENT COMMITTEE MEETING

November 22, 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. MARIO CORONADO	MARIO @ GOVNET.FL.GOV	Yes	305 796-6589
2. Charles Urstatt	Charlie @ Urstatt.com	Yes	305-498-0077
3. Carla Probus	CProbus @ Atlanticbb.net	Yes	248-506-3376
4. GEORGE S. COSTELLO	GEORGE.COSTELLO @ MIAMI BEACH FL.GOV	—	EXT 6776
5. ROBERT SANTOS-ARIZONA	.. @ MIAMI BEACH FL.GOV	—	EXT. 66802
6. CHARLIE CAVERNO	CCAVRENO @ MIAMI BEACH FL.GOV	— No	EXT. 7071
7. MATILDE REYES	matildereyes @ MIAMI BEACH FL.GOV	No	ext 6884
8. JULIO MAGALISSO	JULIO MAGALISSO @ ✓		6960
9. Awoy Plotkin	Awoy Plotkin @ ✓		<del>6643</del> 305-631-634 #34
10. Kevin Smith	Kevin Smith @ ✓		6643
11. Kristin Tigner	ktigner @ MIAMI BEACH FL.GOV		7610
12. Lee	Lee @ THE LEAD MIAMI BEACH.COM		
13. Judy Probus	judyprob @ WA.NET		
14. Richard Sarafan	RSARAFAN @ GJB-LAW.COM		305-349-2318
15. Wendy Kallergis	WKALLERGIS @ GMBHA.COM	Yes	305-282-2812
16. Jane Dee Gross	JDGROSS @ HOTMAIL.COM	Yes	305 321 0597
17. Bruce I. Gutter	hollywoodbig @ AOL.COM	Yes	(305) 877 1545
18. Scott Needleman	san1455 @ ATT.NET	Yes	305-710-5584
19. Adam Shedroff	AMS33139 @ YAHOO.COM	Yes	786-267-7720
20. Ilona Wiss	iwiss @ BOL.COM	Yes	305-673-0350

LAND USE AND DEVELOPMENT COMMITTEE MEETING

November 22, 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
21. ARTHUR MARCUS	MARCUS A @ BELL SOUTH.NET	✓	
22. SHY CARSON	SCARSON652 @ AOL.COM	✓	
23. Emerson Hudson	EmersonHudson @ msh.com	✓	305-673-3061
24. Wanda Mouzon	wanda @ mouzon.com	✓	786-276-6000
25. Jack Johnson	jjsabe @ gmail.com		305-673-1267
26. GERARD K. SCHWARTZ	gks @ gerardklaw.com	✓	305-673-1101
27. MARK GAMEZ	magmez @ mac.com	✓	305-426-3922 3978103
28. Michelle Cohn	Michelle @ MiamiSkaters.com	✓	847-845-2779
29. Seth Levy	Seth @ MiamiSkaters.com	✓	305-600-1471
30. R. Andrus	@		305 216-2028
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