



MIAMI BEACH

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

COMMISSION MEMORANDUM

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

FROM: Kathie G. Brooks, Interim City Manager *Kathie G. Brooks*

DATE: September 12, 2012

SUBJECT: **REPORT OF THE JULY 25, 2012 LAND USE AND DEVELOPMENT COMMITTEE MEETING**

A Land Use and Development Committee meeting was held on July 25, 2012. Members in attendance were Commissioners Góngora, Libbin, Wolfson; 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 4:30 pm.

1. DISCUSSION REGARDING A RESOLUTION BY THE HISTORIC PRESERVATION BOARD TO MODIFY THE CODE GOVERNING THE VOLUNTARY DESIGNATION OF SINGLE FAMILY HOMES.

**(DEFERRED FROM THE JUNE 13, 2012 LUDC MEETING
ORIGINALLY REQUESTED BY MAYOR MATTI HERRERA BOWER
SEPTEMBER 14, 2011 CITY COMMISSION MEETING, ITEM C4M)**

AFTER-ACTION: William Cary introduced the item.

MOTION: Libbin/Bower: (3-0) Bring back to the Committee a draft ordinance amendment setting the date for DRB review of single family homes to 1966.

2. REDUCED PARKING RATES FOR HOTEL EMPLOYEES.

**(DEFERRED FROM THE JUNE 13, 2012 LUDC MEETING
ORIGINALLY REQUESTED BY COMMISSIONER JONAH WOLFSON,
OCTOBER 19, 2011 CITY COMMISSION MEETING, ITEM C4K)**

AFTER-ACTION: Commissioner Wolfson introduced the item, and the Committee discussed the matter further, going into what areas of the City are being used by hotel employees for parking, for example near the Hebrew Academy on Pinetree Drive, or even the single family residential area on Flamingo Drive near 41st Street (it was alleged that hotel employees are parking in these areas for free, and then being picked up by vans provided by the hotel. Alternative locations for parking for employees were discussed, such as the 42nd Street Garage, and 5th and Alton Garage. Adam Shedroff spoke about the problem.

Agenda Item C6A
Date 9-12-12

MOTION: ITEM CONTINUED TO NEXT MEETING.

3. **DISCUSSION REGARDING NOT CHARGING DOUBLE PERMIT FEES FOR PEOPLE WHO COME FORWARD AND REQUEST PERMITS FOR WORK DONE WITHOUT A PERMIT.**

**(DEFERRED FROM THE JUNE 13, 2012 LUDC MEETING
ORIGINALLY REQUESTED BY COMMISSIONER JONAH WOLFSON
DECEMBER 14, 2011 CITY COMMISSION MEETING, ITEM C4A)**

AFTER-ACTION: Commissioner Wolfson introduced the item and explained the reasoning behind giving people who came forward voluntarily an amnesty so they didn't have to pay the double fees for work done without a permit. Discussion of the Florida Building Code, and what ability the City had to waive the double fees ensued, and Steve Scott, Building Director, explained the Code.

MOTION: Wolfon/Libbin: (3-0) Motion to direct the Building Department and the City Attorney's Office to reach out to the Florida Building Commission to see if they could allow flexibility on the double fees.

4. **DISCUSSION ON WAYS TO ENHANCE THE LAND USE BOARDS OF MIAMI BEACH IN ORDER TO IMPROVE THE CITY OF MIAMI BEACH BUILDING AND PLANNING DEPARTMENT AND PROCESSES.**

**(RETURNING FROM THE MAY 16, 2012 LUDC MEETING
ORIGINALLY REQUESTED BY COMMISSIONER MICHAEL GONGORA
MARCH 21, 2012 CITY COMMISSION MEETING, ITEM C4M)**

AFTER-ACTION: Richard Lorber, Acting Planning Director, explained that at the previous meeting, the Committee had requested that staff bring back ideas for amendments to the Land Development Regulations, in order to reduce the number of variances that are required to go to the Board of Adjustment. He introduced several concepts, including amendments addressing signage for hotels in the RM-3 district, minimum hotel room size for historic hotels, tower setbacks for RM-2 districts that permit six stories, swimming pools for single family homes on corner lots, and requirements for air conditioner condenser units and generators.

MOTION: Libbin/Gongora: (3-0) Staff to bring back these concepts to the Committee, in ordinance form, when ready.

5. **DISCUSSION REGARDING AN AGREEMENT WITH MARRIOTT SEVILLE, FOR IMPROVEMENTS TO AND THE MAINTENANCE OF THE 29TH STREET END AND TRAFFIC CIRCLE AND FOR THE CONSTRUCTION OF A PORTION OF THE BEACHWALK.**

**(REQUESTED BY CITY COMMISSION
JUNE 6, 2012 CITY COMMISSION MEETING, ITEM C4E)**

AFTER-ACTION: Fred Beckman began the discussion, explaining the Marriott Seville project, and the proposed re-working of the front entrance to the property and the swap of land between the City and the project in order to improve access and circulation. The discussion centered upon protecting the access to the adjacent residential Triton Towers. Mickey Marrero, attorney for the Marriott, indicated that Triton Towers had agreed to the proposal and liked it.

MOTION: Libbin/Gongora: (3-0) Move the proposal forward to the City Commission, but also get a resolution of support from the Triton Towers association.

**6. DISCUSSION REGARDING A PROPOSED SEWAGE LIFT STATION IN 18TH STREET FOR THE SHELBOURNE HOTEL.
(REQUESTED BY CITY COMMISSION
JULY 18, 2012 CITY COMMISSION MEETING, ITEM C4D)**

AFTER-ACTION: Russell Galbut introduced the item, discussing how sewage flooded into the Shelborne Hotel, and that the only way to fix it is to construct a lift station. The only feasible location for the lift station is under the City sidewalk. Fred Beckman explained that it would be an easement. Commissioner Libbin stated that the Shelborne would be paying the entire cost, so there is no budgetary impact. Mayor Bower asked what the criteria for approval would be, and Jorge Gomez explained the criteria. Commissioner Góngora also expressed support.

MOTION: Wolfson/Gongora: (3-0) Motion to approve to project for the nominal cost of \$10, with a guarantee of public access if needed; item to be on consent agenda.

**7. DISCUSSION REGARDING THE COMMISSION SERVING AS THE EVALUATION COMMITTEE IN LARGER SIGNIFICANT PROJECTS.
(REQUESTED BY COMMISSION JONAH WOLFSON
JULY 18, 2012 ITEM C4I)**

AFTER-ACTION: Commissioner Wolfson introduced the item, proposing that large projects that entailed the disposition of City-owned property and had extraordinary impact on the City, the City Commission should serve as the selection committee. Commissioner Góngora expressed some concern about changing the present system, but was not opposed to the idea. Commissioner Libbin was concerned that going to the Commission serving as selection committee would eliminate two layers of oversight – the selection committee, which currently is made up of experts, professionals and citizens, and the City Manager, and that it could hamper the City Manager's due diligence process. The discussion turned to giving more input into the makeup of the selection committee to the City Commission. It was pointed out that the City Commission can always override the recommendations of the selection committee anyway. Commissioner Wolfson indicated that the Commission has gotten so used to deferring to appointed committees that it has become a crutch. Commissioner Góngora proposed a compromise that would permit the Commission to directly appoint the selection committee. Commissioner Libbin indicated he would be in favor of appointing the committee, as long as there was enough lead time, but that he was

not in favor of the Commission serving as the selection committee. Questions were then discussed regarding whether the Commissioners could sit in on the committee meetings, and Raul Aguila of the City Attorney's Office explained that they really couldn't. According to a new law on the subject, the selection committee hearings are closed to the public. A Commissioner could attend, but not speak or interact with the proceedings. Two or more Commissioners in attendance would create problems with the Sunshine Law. Russell Galbut spoke. Ralph Andrade spoke. Raul Aguila explained that in Broward County there is a limited role for Commissioners to sit on certain selection committees, and that although the standard process under the model procurement process is our existing procedure, some other jurisdictions do vary from this and have the Commission serve as selection committee.

The applicability of the proposed new process was also discussed, and Raul Aguila clarified that the new process would not be applied to Procurement projects that were already underway.

MOTION: Wolfson/Gongora: (3-0). For major development projects or conveyance of property, the City Commission may either choose to serve as the selection committee, or alternatively, may directly appoint the selection committee.

Attachment

KGB/JGG/RL

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LAND USE AND DEVELOPMENT COMMITTEE MEETING

July 25, 2012 @ 4:00 pm

3rd Floor Large Training Room, 1755 Meridian Ave.

Attendance Sheet

NAME	CONTACT NUMBER	I WISH TO RECEIVE THE AGENDA ELECTRONICALLY	E-MAIL ADDRESS
1. Debbie Tackett	6967		dtackett @miami beach.fl.gov
2. Jo Manning	305-538-3270	yes	jomanning1940 @gmail.com
3. Adam Sheedoff	786-267-7720	yes	AMS33139 @YAHOO.COM
4. THOMAS MOONEY	x6151		tmooney @miami beach.fl.gov
5. GABRIELLE REDFERN	305 374 5700	PLEASE	GREDFERN @CRESCENTHEIGHTS.CA
6. Graham Penn	305 377 6229	YES	gpenn @brezningslaw.com
7. SAUL FRANCES	305 673 200 x6443	no	SAULFRANCES @MIAMI BEACH.FL.GOV
8. Tom Muia	305-695-7727	NO	Tom Muia @MARRIOTT.COM
9. Mickey Marrero	305-377-6238	Yes	mmarrero @brezningslaw.com
10. James P. Wurst	305-443-5206	yes	jjwurst @nbwv.com
11. PETER ANSELMO	305-858-6777	Yes	peter @RAYMOND.JURIGTS
12. R. Allen	305 216-2028	no	@
13. Richard McCaule	6806	yes	richmccaule @miami beach.fl.gov
14. Kristin Tigrew	6248	no	@
15. Stephen Scott	6824	yes	@
16. Ethan Wasserman	305-411-4448	yes	Ewasserman @SHUTTLE.COM
17. RL GILK	X 6475	No	— @ —
18.			@
19.			@
20.			@

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