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: Kathie G. Brooks, Interim City Manager

DATE: November 14, 2012

SUBJECT: **REPORT OF THE NOVEMBER 5, 2012 LAND USE AND DEVELOPMENT COMMITTEE MEETING**

A Land Use and Development Committee meeting was held on November 5, 2012. Members in attendance were Commissioners Góngora and Libbin. Mayor Bower also joined the Committee. 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.

I. ITEMS FOR WITHDRAWAL

1. DISCUSSION REGARDING THE RE-ZONING OF THE PROPERTY AT 1729 LENOX AVENUE.

(DEFERRED FROM THE SEPTEMBER 19, 2012 LUDC MEETING ORIGINALLY REQUESTED BY MAYOR MATTI HERRERA BOWER APRIL 13, 2011 CITY COMMISSION MEETING, ITEM C4F)

AFTER-ACTION: WITHDRAWN. *(Not to be placed back onto LUDC agenda without a new referral approved by City Commission.)*

II. REGULAR AGENDA

1. a) PROPOSED PARKING DISTRICT #6 FOR THE ALTON ROAD CORRIDOR.

(RETURNING FROM THE SEPTEMBER 19, 2012 LUDC MEETING ORIGINALLY REQUESTED BY CITY COMMISSION NOVEMBER 17, 2010 CITY COMMISSION MEETING, ITEM R5A)

AFTER-ACTION: DEFERRED TO DECEMBER 19, 2012

Agenda Item C6B
Date 11-14-12

1. b) PROPOSED ALTON ROAD HISTORIC DISTRICT BUFFER OVERLAY (RETURNING FROM THE MAY 18, 2011 LUDC MEETING ORIGINALLY REQUESTED BY CITY COMMISSION JANUARY 19, 2011 ITEM R5D)

AFTER-ACTION: DEFERRED TO DECEMBER 19, 2012

2. DISCUSSION REGARDING A RESOLUTION BY THE HISTORIC PRESERVATION BOARD TO MODIFY THE CODE GOVERNING THE VOLUNTARY DESIGNATION OF SINGLE FAMILY HOMES.
(RETURNING FROM THE JULY 25, 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, explaining that architecturally significant homes that are proposed for demolition that were built prior to 1966 would be subject to DRB review. He also mentioned the issue of the discount from building permit fees. The Committee discussed including waiving Design Review Board fees in lieu of a building permit fee discount.

MOTION: Libbin/Gongora: (2-0) Refer to Planning Board.

3. REDUCED PARKING RATES FOR HOTEL EMPLOYEES.
(DEFERRED FROM THE SEPTEMBER 19, 2012 LUDC MEETING ORIGINALLY REQUESTED BY COMMISSIONER JONAH WOLFSON, OCTOBER 19, 2011 CITY COMMISSION MEETING, ITEM C4K)

AFTER-ACTION: DEFERRED TO DECEMBER 19, 2012

4. REVIEW OF MIAMI BEACH LAND USE BOARDS TO IMPROVE THE CITY OF MIAMI BEACH BUILDING AND PLANNING DEPARTMENT PROCESSES.

a). MINIMUM UNIT SIZES FOR HISTORIC HOTELS & RM-2 TOWER SETBACKS

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION 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, ENTITLED "ZONING DISTRICTS AND REGULATIONS", BY AMENDING ARTICLE II, ENTITLED "DISTRICT REGULATIONS", BY AMENDING SECTION 142-155 TO MODIFY THE REQUIREMENTS FOR MINIMUM AND AVERAGE HOTEL ROOM SIZE FOR HISTORIC HOTELS WITHIN THE RM-1 DISTRICT; BY AMENDING SECTION 142-217 TO MODIFY THE REQUIREMENTS FOR MINIMUM AND AVERAGE HOTEL ROOM SIZE FOR HISTORIC HOTELS WITHIN THE RM-2 DISTRICT; BY AMENDING SECTION 142-218 TO MODIFY THE TOWER SETBACK REQUIREMENTS WITHIN THE RM-2 DISTRICT; BY AMENDING SECTION 142-246 TO MODIFY THE

REQUIREMENTS FOR MINIMUM AND AVERAGE HOTEL ROOM SIZE FOR HISTORIC HOTELS WITHIN THE RM-3 DISTRICT; PROVIDING FOR INCLUSION IN THE CITY CODE; PROVIDING FOR REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

b). RM-3 ACCESSORY USE SIGNAGE

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 138, ENTITLED "SIGNS", BY AMENDING ARTICLE V, ENTITLED "SIGN REGULATIONS BY DISTRICT", BY AMENDING SECTION 138-172 TO MODIFY THE REQUIREMENTS FOR HOTELS AND APARTMENT BUILDINGS WITHIN THE RM-3 DISTRICT; BY AMENDING SECTION 138-8 TO MODIFY THE REQUIREMENTS FOR HOTELS AND APARTMENT BUILDINGS WITHIN THE RM-3 DISTRICT; BY AMENDING SECTION 138-171 TO MODIFY THE REQUIREMENTS FOR HOTELS AND APARTMENT BUILDINGS WITHIN THE RM-3 DISTRICT; PROVIDING FOR INCLUSION IN THE CITY CODE; PROVIDING FOR REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

c). POOL SETBACKS AND MECHANICAL EQUIPMENT SETBACK ENCROACHMENTS

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION 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, ENTITLED "ZONING DISTRICTS AND REGULATIONS", BY AMENDING ARTICLE IV, ENTITLED "SUPPLEMENTARY DISTRICT REGULATIONS", BY AMENDING SECTION 142-1133 TO MODIFY THE REQUIREMENTS FOR THE CONSTRUCTION OF SWIMMING POOLS ON CORNER AND THRU LOTS WITHIN SINGLE FAMILY DISTRICTS; BY AMMENDING SECTION 142-1132 TO MODIFY THE SETBACKS FOR CENTRAL AIR CONDITIONERS AND OTHER MECHANICAL EQUIPMENT; PROVIDING FOR INCLUSION IN THE CITY CODE; PROVIDING FOR REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

(DEFERRED FROM THE SEPTEMBER 19, 2012 LUDC MEETING ORIGINALLY REQUESTED BY COMMISSIONER MICHAEL GONGORA MARCH 21, 2012 CITY COMMISSION MEETING, ITEM C4M)

AFTER-ACTION: DEFERRED TO DECEMBER 19, 2012

5. DISCUSSION OF RFP FOR TENNIS MAINTENANCE AND BIFURCATING MAINTENANCE AND OPERATIONS.

(DEFERRED FROM THE SEPTEMBER 19, 2012 LUDC MEETING ORIGINALLY REQUESTED BY COMMISSIONER JONAH WOLFSON JUNE 6, 2012 CITY COMMISSION MEETING, ITEM C4H)

AFTER-ACTION: DEFERRED TO DECEMBER 19, 2012

6. DISCUSSION REGARDING MIAMI BEACH UNITED RESOLUTIONS TO ADDRESS THE ISSUE OF COMPATIBILITY OF CERTAIN USES IN PROXIMITY TO RESIDENTIAL USES, TO CREATE SAFEGUARDS WHILE STILL ALLOWING FOR FLEXIBILITY OF DEVELOPMENT.

(REFERRED BY COMMISSIONER MICHAEL GONGORA JULY 18, 2012 CITY COMMISSION MEETING, ITEM C4F)

AFTER-ACTION: Richard Lorber introduced the item, explaining that staff research supports a distance of 100 feet from a residential zoning district, which would capture restaurants on side streets adjacent to Lincoln Road, but not the Lincoln Road sidewalk café's themselves. Nancy Liebman spoke in favor of the original MBU resolution, requiring a distance of 200 feet, and imposing mandatory opening hours restrictions rather than Planning Board Conditional Use approval. Sheryl Gold spoke out in favor of the original resolution rather than staff's suggestion for 100 feet and Conditional Use. Christine Florez spoke on behalf of West Avenue, and expressed frustration with the impact of certain businesses upon nearby residents. Arthur Marcus, Adam Shedroff, Gayle Durham, Jack Johnson and Frank DelVecchio spoke out against sidewalk cafés which could have negative impacts upon nearby residents. Lucia Dougherty spoke regarding the Park @ 420 Garage and their proposed sidewalk café, and expressed concern about the proposed hours of operation.

Commissioner Libbin expressed the need for more study by staff, focusing on different specific neighborhoods, with the aim of protecting residents but excluding those zones that currently have multiple sidewalk cafes. Commissioner Góngora expressed the desire for clear ground rules.

With regard to the second MBU resolution, Richard Lorber introduced the item and mentioned the Palau development and Cabi development as examples of conflicts between new proposed developments and single family neighborhoods. Nancy Liebman, Mark Needle, Christine Florez, and Sheryl Gold all spoke in favor of the MBU resolution and the need to address developments which have the potential to impact residential neighborhoods.

MOTION: Libbin/Gongora: (2-0) Staff to do a further analysis of areas that have sidewalk cafes and bring back information and recommendation regarding different neighborhoods, to be brought back for the December meeting.

MOTION: Libbin/Gongora: (2-0) Staff to further analyze the MBU resolution and bring back to the next LUDC meeting.

7. DISCUSSION REGARDING THE ENVIRONMENTAL IMPACTS OF ARTIFICIAL TURF.

(REFERRED BY CITY COMMISSION JULY 18, 2012 CITY COMMISSION MEETING, ITEM R5H)

AFTER-ACTION: Fred Beckmann introduced the matter regarding the environmental impact of use of artificial turf. Staff has reviewed the issue, and determined the positive aspects are the absence of water, fertilizer, and maintenance. Areas of concern are the increased surface temperature, which could affect users, potential for the turf material to possibly leach gases into the atmosphere, however, limited studies indicate this potential is low; and reduction of rainwater flowing into the ground and increases in groundwater runoff.

Staff recommends the use of artificial use for athletic fields and high-intensity use areas. Staff will monitor the environmental impacts of artificial grass on athletic fields, for example, temperature, drainage, etc. to evaluate the materials' performance and possible effect on usability.

Mayor Bower expressed her continuing concern regarding the potential negative environmental impact of the use of artificial grass.

MOTION: Gongora/Libbin: (2-0) Refer the matter to the Sustainability Committee.

8. DISCUSSION CONCERNING THE MOTION REGARDING HOURS OF OPERATION FOR CLUBS AND BARS DURING SPECIAL LGBT EVENTS PASSED BY THE LGBT BUSINESS ENHANCEMENT COMMITTEE.
(REFERRED BY COMMISSIONER MICHAEL GONGORA
SEPTEMBER 12, 2012 CITY COMMISSION MEETING, ITEM C4E)

AFTER-ACTION: Max Sklar explained that this request has come up in previous years. The timing of the approvals in past years meant only some events were approved. Frank DelVecchio spoke, questioning the rationale for approval of the extended hours. Victor Diaz-Herman of the Winter Party organization spoke in favor of the extended hours.

MOTION: Gongora/Libbin: (2-0) Recommend approval of extended hours for Winter Party and White Party only.

9. DISCUSSION REGARDING FOOD TRUCKS ON PRIVATE PROPERTY
(REQUESTED BY COMMISSIONER JONAH WOLFSON
SEPTEMBER 12, 2012 CITY COMMISSION MEETING, ITEM C4K)

AFTER-ACTION: DEFERRED TO DECEMBER 19, 2012

NEXT MEETING: DECEMBER 19, 2012 (MOVED FROM DECEMBER 17, 2012.)

Attachment

KGB/JGG/RL

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LAND USE AND DEVELOPMENT COMMITTEE MEETING
November 5, 2012 @ 4:00 pm
City Manager's Large Conference Room

Attendance Sheet

	NAME	CONTACT NUMBER	I WISH TO RECEIVE THE AGENDA ELECTRONICALLY	E-MAIL ADDRESS
1.	Jane Losson	305.924.0262		jplosson @ yahoo.com
2.	Sheryl Gold	305 672-6388		sheryglo com @ gmail com
3.	Reina Comras	305 531-2612		remacom @ aol.com
4.	JAY R LEVY	305.785-7847	jayrlevy@coldwellbankeri.com	@
5.	VICTOR DIAZ-HERMAN	3.798.9344		VICTOR @ PRIDELINES.ORG
6.	Jack Johnson	305-673-1267		jjsobe @ gmail.com
7.	Ronald E. Stroia	305-532-5057		ronald.stroia @ gmail.com
8.	Gayle Durham	201 315 5363		gayle @ cfsystems.co
9.	Rebecca Boyce	305-606-6939		rsboyce @ att.net
10.	ARTHUR MARCUS	305-674-8945		Marcus_A @ BELLSOUTH.NET
11.	Mark Needle	786-252-6345		mark.needle @ protransit.org
12.	Graham Penn	305 377 0229	gpenn@brentstown.ca	gpenn @ brentstown.ca
13.	Gabriella Redfern		yes	gredfern @ crescentheights.co
14	Debbie Tackett	x6467	no	dtackett @ miamibeachfl.gov
15.	William Cary	7550	no	wcary @ miamibeachfl.gov
16.	JULIO MAGRISSO	6960		JULIOMAGRISSO @ ✓
17.	KEVIN SMITH	7730		KEVIN SMITH @ " " "
18.	Jorge Gomez			@
19.				@
20.				@

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