

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: Kethie G. Brooks, Interim City Manager

DATE: January 16, 2013

SUBJECT: REPORT OF THE DECEMBER 19, 2012 LAND USE AND DEVELOPMENT COMMITTEE MEETING

A Land Use and Development Committee meeting was held on December 19, 2012. Members in attendance were Commissioners Gongora and Libbin. Members from the Administration end the public were also in attendance. Please see the attached sign-in sheet. The meeting was called to order at 4:10 pm.

The Committee decided that for 2013, meetings should start at 3:00 p.m.

- 1. ALTON ROAD DISTRICTS:
  - a) PROPOSED ALTON ROAD HISTORIC DISTRICT BUFFER OVERLAY.

    (DEFERRED FROM THE NOVEMBER 5, 2012 LUDC MEETING

    ORIGINALLY REQUESTED BY CITY COMMISSION

    JANUARY 19, 2011 ITEM R5D)
  - b) PROPOSED PARKING DISTRICT #6 FOR THE ALTON ROAD CORRIDOR.

(DEFERRED FROM THE NOVEMBER 5, 2012 LUDC MEETING ORIGINALLY REQUESTED BY CITY COMMISSION NOVEMBER 17, 2010 CITY COMMISSION MEETING, ITEM R5A)

AFTER-ACTION: DEFERRED TO JANUARY 23, 2013 MEETING.

- 2. PARKING ORDINANCES AND PARKING DISCUSSION ITEMS:
  - a. DISCUSSION ON THE PARKING REQUIREMENT AND HOW WE CAN INCENTIVIZE FOR GOOD HOTEL DEVELOPMENT.

    (RETURNING FROM THE MAY 16, 2012 LUDC MEETING ORIGINALLY REQUESTED BY COMMISSIONER JONAH WOLFSON FEBRUARY 9, 2011 CITY COMMISSION MEETING, ITEM C4C)
  - b. SUNSET HARBOUR PARKING DISTRICT 5; DISCUSSION OF A RESIDENTIAL PARKING REDUCTION FOR MIXED-USE AND ADAPTIVELY RE-USED BUILDINGS.

(REFERRED BY CITY COMMISSION NOVEMBER 14, 2012 CITY COMMISSION MEETING, ITEM R5A)

c. DISCUSSION REGARDING HOTELS IN RESIDENTIAL NEIGHBORHOODS AND PARKING REQUIREMENTS.

(REFERRED BY COMMISSIONER MICHAEL GONGORA OCTOBER 24, 2012 CITY COMMISSION MEETING, ITEM C4N)

d. PROPOSED ORDINANCE: REVISIONS TO REQUIREMENTS FOR THE USE OF MECHANICAL PARKING SYSTEMS.

(RETURNING FROM THE JANUARY 18, 2012 LUDC MEETING ORIGINALLY REFERRED BY COMMISSIONER JONAH WOLFSON, APRIL 13, 2011 CITY COMMISSION MEETING, ITEM C40)

a) Hotel Parking Requirements: Richard Lorber explained the hotel AFTER-ACTION: parking reduction ordinance and the discussion by the Planning Board. Staff recommended .75 spaces per room outside of historic districts, and .5 within historic districts, while the Planning Board voted to recommend .5 per room in both historic and non-historic areas. The West Avenue and South of Fifth neighborhoods were excluded. Michael Larkin spoke in favor of the proposed Residence Inn hotel project on 17th Street. Jorge Gomez explained that the thinking of staff was to focus on the traditional hotel areas of the City, and not elsewhere where hotels may not be desired as much. Christine Florez spoke out on behalf of the West Avenue Neighborhood Association. Nancy Leibman spoke against the proposed hotel. Frank DelVecchio spoke. Harold Rosen spoke in favor. Richard Finvarb spoke in favor. Ron Finvarb spoke. Commissioner Libbin indicated that the issue should be moved forward, and indicated his thinking with respect to the ordinance in general and the Finvarb hotel proposal. A compromise should be adopted that acknowledges the residents, and Commissioner Libbin proposed moving forward the staff recommendation of .75 spaces per room. Commissioner Gongora indicated that he had issues with the proposal,

**MOTION:** a) Libbin/Góngora: (2-0). Move to City Commission without recommendation (both Planning Board and Planning Department staff versions).

<u>AFTER-ACTION:</u> b) Sunset Harbour Live/Work Parking: Richard Lorber introduced the item about live/work space parking requirements in Sunset Harbour, indicating that staff supports this concept but believes there should be a minimum of one space per unit. Commissioner Libbin enquired how the ordinance distinguishes between adaptive reuse and new construction. Nancy Leibman and Christine Florez spoke.

**MOTION:** b) Libbin/Góngora: (2-0). Send to Planning Board with 1 space per unit requirement for new construction and none for adaptive reuse; to come back to LUDC prior to first reading.

AFTER-ACTION: c) Hotels in Residential Neighborhoods: See Item 8a.

**AFTER-ACTION:** d) Mechanical Parking Ordinance: Richard Lorber introduced the item about modifying the mechanical parking garage ordinance, and how it has become apparent that the ordinance needs some modest amendments to make it work as intended.

**MOTION:** d) Libbin/Gongora: (2-0). Send proposed ordinance to Planning Board.

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

(RETURNING FROM THE MAY 16, 2012 LUDC MEETING ORIGINALLY REFERRED BY COMMISSIONER JERRY LIBBIN, APRIL 13, 2011 CITY COMMISSION MEETING, ITEM C4G)

AFTER-ACTION: Richard Lorber introduced the item and explained the Planning Board deliberations and recommendation. He indicated that there was a thought that certain CD-2 areas are more appropriate than others for this type of use, and the ordinance could be further refine to specify which areas. Wayne Pathman spoke on behalf of the proponent Jack Johnson spoke on behalf of the Flamingo Park Neighborhood Association. Commissioner Libbin and Commissioner Góngora both felt that the areas should be limited.

**MOTION:** Libbin/Góngora : (2-0). Send to Commission with recommendation for only Alton, Sunset Harbour and Harding areas.

4. REDUCED PARKING RATES FOR HOTEL EMPLOYEES.

(DEFERRED FROM THE NOVEMBER 5, 2012 LUDC MEETING
ORIGINALLY REQUESTED BY COMMISSIONER JONAH WOLFSON,
OCTOBER 19, 2011 CITY COMMISSION MEETING, ITEM C4K)

AFTER-ACTION: DEFERRED TO JANUARY 23, 2013 MEETING.

5. DISCUSSION OF THE MIAMI BEACH CURRENT CITY CODE CHAPTER 6-4 (3) RELATING TO ALCOHOLIC BEVERAGE SALES THAT REQUIRES A 300 FOOT DISTANCE BETWEEN LIQUOR STORES AND ASK THAT THE CITY LOOK INTO ADOPTING THE COUNTY REQUIREMENT OF 1500 FEET.

(RETURNING FROM THE MARCH 28, 2012 LUDC MEETING ORIGINALLY REFERRED BY COMMISSIONER JORGE R. EXPOSITO OCTOBER 19, 2011 CITY COMMISSION MEETING, ITEM C4L)

AFTER-ACTION: DEFERRED TO JANUARY 23, 2013 MEETING.

- 6. 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 NOVEMBER 5, 2012 LUDC MEETING ORIGINALLY REQUESTED BY COMMISSIONER MICHAEL GONGORA MARCH 21, 2012 CITY COMMISSION MEETING, ITEM C4M)

**AFTER-ACTION:** Jorge Gomez explained a proposed additional zoning ordinance amendment, regarding the Planning Board's application to modify the requirements for Boat Dock approval. The Committee felt that the Planning Board is best aware of the current requirements, and could proceed with a public hearing on their proposed ordinance streamlining the approval process.

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

### (REFERRED BY COMMISSIONER JONAH WOLFSON JUNE 6, 2012 CITY COMMISSION MEETING, ITEM C4H)

**AFTER-ACTION:** Kevin Smith introduced the item and explained the current contract arrangement. A discussion of the tennis issue ensued with members of the Tennis Advisory Committee. Commissioner Libbin indicated that most of the City's maintenance is performed by contracted companies. Kevin Smith would prefer that the company that builds the courts be the company that assesses the condition of the courts and prescribes maintenance.

**MOTION:** LibbinGóngora: (2-0) Send to the Commission a recommendation for the Administration to put out an RFP for a management company to do the entire job, to include performance standards highlighting maintenance. Send to Tennis Advisory Committee as well.

8. 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.

(RETURNING FROM THE NOVEMBER 5, 2012 LUDC MEETING ORIGINALLY REFERRED BY COMMISSIONER MICHAEL GONGORA JULY 18, 2012 CITY COMMISSION MEETING, ITEM C4F)

AFTER-ACTION: Richard Lorber introduced the issue of hotel uses in the residential West Avenue corridor, indicating that Planning Department staff would recommend making hotels conditional uses in the RM-2 and RM-3 zones of West Avenue and Meridian Avenue from 17<sup>th</sup> to Dade. Nancy Liebman spoke in favor of banning hotel use entirely in these areas. Jane Losson indicated that hotels should be banned in the Meridian Avenue area. Christine Florez spoke regarding West Avenue. Monica Entin and Michael Larkin spoke. Jane Losson, Frank DelVecchio, Mark Needle and Sheryl Gold spoke.

Commissioner Libbin indicated that the Commission is elected to protect the residents, and that West Avenue is overwhelmingly residential. He would protect those areas from new hotels, but make an exception for those already in the pipeline with permits. Legal should weigh in on the Bert J. Harris matter. He would include Palm View as well.

**MOTION:** Hotels In Residential Neighborhoods: Libbin/Góngora: (2-0) Move forward ordinance to prohibit hotels in the West Avenue corridor, and Palm View to Planning Board. Legal to provide advice re property rights act. Include applicability clause to protect existing properties.

<u>AFTER-ACTION:</u> The balance of the MBU items (Sidewalk Cafés, and Compatibility with Nearby Single-Family Residential Zones) shall be heard by the Committee at a special LUDC meeting, to be scheduled as a separate meeting, with a later start time. Staff to work with Committee members to find an appropriate date and time.

9. DISCUSSION CONCERNING THE MIAMI BEACH HUMAN RIGHTS COMMITTEE RESOLUTION REGARDING THE POSTING OF PUBLIC NOTICES.

(REFERRED BY COMMISSIONER MICHAEL GONGORA

SEPTEMBER 12, 2012 CITY COMMISSION MEETING, ITEM C4D)

AFTER-ACTION: DEFERRED TO JANUARY 23, 2013 MEETING.

10. DISCUSSION REGARDING FOOD TRUCKS ON PRIVATE PROPERTY
(DEFERRED FROM THE NOVEMBER 5, 2012 LUDC MEETING
ORIGINALLY REQUESTED BY COMMISSIONER JONAH WOLFSON
SEPTEMBER 12, 2012 CITY COMMISSION MEETING, ITEM C4K)

AFTER-ACTION: DEFERRED TO JANUARY 23, 2013 MEETING.

11. DISCUSSION REGARDING THE STATUS OF THE SECOND HAND STORE ORDINANCE.

(REQUESTED BY CITY COMMISSION NOVEMBER 14, 2012 CITY COMMISSION MEETING, ITEM R9F)

**AFTER-ACTION:** Richard Lorber explained the Second Hand Goods ordinance.

**MOTION:** Libbin/Góngora: (2-0) send to Commission for first reading as presented.

Attachment

KGB/JGG/RL

T:\AGENDA\2013\January 16\LUDC Meeting of December 19 2012 afteraction.docx

## LAND USE AND DEVELOPMENT COMMITTEE City Managers Large Conference Room 12/19/2012

NAME	PHONE	EMAIL	
SherylHola	305 672-6388	Shergoldcome ginail.com	
Jane lierce	301 944.0262	Allosson Olyahoo	(On
RAFAET GRANDO WONNER	<b>3</b> 411	My rafarlgrando.	mie mi
Burttscheil	3/607-1175	Walker 33139 @ 001.com	, 0
Mark Needle TEFF DONNERLY	786-548-1998	mert, needle a propansitio	25
JEFF BONNERLY	305-532-1441	JEERDONN & ALL COM	
FLANK DEL VECC/HO	305-672-2486	Adelverchioe a Houtichb.	uex
Jack Johnson	305-673-1267	jjsobe@gmail.com	
GERALL KS MODE	2 305-613-1161	GKS@GERALDKLOW, Com	
Loser, H	2053344757 205547975	Hotal Machine	
Monita Entin	(305)377-60237	mentin@BRzoninglaw.com	
Morris Sunshin	e 305672.9080	Usice control at the Dea	-l
	305-609-4288	Nanheba Aol.com	
Christine Florez	305.923.3862	westavenuesobe e gma. 1.co	1

# LAND USE AND DEVELOPMENT COMMITTEE City Managers Large Conference Room 12/19/2012

Tess Forstor 786-223-8565 Toss a farticapions  Mickey Marrero (305) 377-6238 mmarrero C brzoninglaw. Com  Greham Genn 305) 372-6229 gpenn B breatisfon. con  Midnif Lah (315) 377-5300 Mladrin E b12011/4/11/4/11/4  Pan I Janas  Kevin Smith 3-5-673-7730  Toxio MAGRISSO # 6960 Tuiollagrisso Chiamibrah Fr. Gov  Thomas Maoney x6(91 tmooney @ mami beadfl. gov
Greham Penn 305)373-6229 Spenn B breedingan.com  Midnel Lah (365) 374-5300 Mladkin & b120ninglusion  Pan 1 Janas  KEVIN SMITH 3-5-673-7730 KEVINSAITHE CITYSFAIRMIBERS  TOLIO MAGRISSO # 6960 TUIDHAGRISSAPHIAMBERS  TOLIO MAGRISSO # 6960 TUIDHAGRISSAPHIAMBERS  TOLIO MAGRISSO # 6960
Midne Lon (35) 37-5300 Mladrine brzonnylwia Paul Janas  Kevin Smith 3-5-673-7730 Kevinsanithe citrofnipridens TOLIO MAGRISSO #6960 Thiolhagrissa Phiambach Fr. Gov
Paul Janus  KEVIN SMITH 3-5-673-7730  KEVINSMITH 3-5-673-7730  KEVINSMITH 3-5-673-7730  KEVINSMITH CITYOFMIAMIBERS  FE. GOV  TULIONAGRISSO # 6960  TULIONAGRISSO PHIAMIBERS FL. GOV
Panl Janus  KEVIN SMITH 305-673-7730  KEVINSMITH 305-673-7730  KEVINSMITH 205-673-7730  KEVINSMITH CITYSFAIRMIBLAN  FR. 90V  TULIO MAGRISSO #6960  TULIONAGRISSO PHIAMIBLANGER FL. GOV
JULIO MAGRISSO # 6960 TULIONAGRISSO CHIAMIBERIA FL. GOV
JULIO MAGRISSO #6960 TULIONAGRISSORMIAMIBERTE GOV