



# MIAMI BEACH

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: February 6, 2013

**SUBJECT: REPORT OF THE JANUARY 23, 2013 LAND USE AND DEVELOPMENT COMMITTEE MEETING**

A Land Use and Development Committee meeting was held on January 23, 2013. Members in attendance were Commissioners Góngora and Libbin. 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 3:15 pm.

**1. ALTON ROAD DISTRICTS:**

**a) PROPOSED ALTON ROAD HISTORIC DISTRICT BUFFER OVERLAY.  
(DEFERRED FROM THE DECEMBER 19, 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 DECEMBER 19, 2012 LUDC MEETING  
ORIGINALLY REQUESTED BY CITY COMMISSION  
NOVEMBER 17, 2010 CITY COMMISSION MEETING, ITEM R5A)**

**AFTER-ACTION:** Richard Lorber introduced the proposed parking district ordinance and explained that the Planning Department continues to support the proposed reduction in parking for the Alton Road corridor. Jorge Gomez added that the provisions for hotel parking in this ordinance should be removed as the City is addressing the issue of hotel parking through other ordinances. Graham Penn representing the Galbut Project at 6<sup>th</sup> and Alton spoke in favor of the draft ordinance and requested a modification to the map of boundaries of the area, to include all of the Vitri parcel. Mark Needle, representing the Flamingo Park Neighborhood Association, indicated that the residents would only consider that the parking reductions should be approved if the companion historic district buffer overlay ordinance was also moved forward.

**MOTION:** Libbin/Góngora: (2-0) Move both a) the Administration's recommendation, and b) Parking District #6, forward to the full Commission.

**2. REDUCED PARKING RATES FOR HOTEL EMPLOYEES.  
(DEFERRED FROM THE DECEMBER 19, 2012 LUDC MEETING  
ORIGINALLY REQUESTED BY COMMISSIONER JONAH WOLFSON,**

Agenda Item C6B  
Date 2-6-13

OCTOBER 19, 2011 CITY COMMISSION MEETING, ITEM C4K)

AFTER-ACTION: DEFERRED TO FEBRUARY LUDC MEETING

3. 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.

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

AFTER-ACTION: DEFERRED TO FEBRUARY LUDC MEETING

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 AMENDING 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.**

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

**AFTER-ACTION:** Richard Lorber went through each item designed to streamline the development process and eliminate the need for excessive variances.

**MOTION:** Libbin/Góngora: (2-0) Refer to the Planning Board with a positive recommendation. The Committee requested that the item be kept on the LUDC agenda to discuss other aspects of the original referral.

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

**(DEFERRED FROM THE DECEMBER 19, 2012 LUDC MEETING  
REFERRED BY COMMISSIONER MICHAEL GONGORA  
SEPTEMBER 12, 2012 CITY COMMISSION MEETING, ITEM C4D)**

**AFTER-ACTION:** Rafael Granado introduced the matter, and members of the Human Rights Committee. Walker Burttschell of the Committee made remarks. Commissioner Libbin expressed support for the proposal but didn't want heavy penalties for not posting the notices. Commissioner Góngora expressed enthusiastic support.

**MOTION:** Góngora/Libbin: (2-0) Move approval of the proposed ordinance amendment.

**6. DISCUSSION REGARDING FOOD TRUCKS ON PRIVATE PROPERTY**

**(DEFERRED FROM THE DECEMBER 19, 2012 LUDC MEETING  
ORIGINALLY REQUESTED BY COMMISSIONER JONAH WOLFSON  
SEPTEMBER 12, 2012 CITY COMMISSION MEETING, ITEM C4K)**

**AFTER-ACTION:** DEFERRED TO FEBRUARY LUDC MEETING

**7. DISCUSSION REGARDING THE CITY'S CURRENT PLAN TO CONTAIN RISING SEAS AND DESTRUCTIVE STORM SURGES.**

**(REQUESTED BY CITY COMMISSION  
NOVEMBER 14, 2012 CITY COMMISSION MEETING, ITEM R9K)**

**AFTER-ACTION:** Fred Beckmann introduced the item and explained the Stormwater Master Plan. He discussed the FDOT project for Alton Road, which will install major pump systems at 5<sup>th</sup> Street, 10<sup>th</sup> Street, and 14<sup>th</sup> Street, which may be installed by the end of 2013. Commissioner Libbin asked questions about the nature of the flooding and where the pumps will empty out to. The water will outfall to the Bay. The projects will include check valves and backflow preventers. He also discussed some of the planning issues involved. The stormwater master plan does not account for storm surge. Members of the public spoke, including Morris Sunshine, Christine Florez, and Dan Kipnis.

The Committee supported item #2 of Morris Sunshine's submitted proposal, which would require the City Manager to issue an annual report to the City Commission describing the City's current efforts and future plans, perhaps in cooperation with other agencies, to mitigate the local effects of rising seas and extreme weather events. The City Manager is to ensure that the Building Official reviews the Building Code to determine if it needs strengthening and if so, how to proceed to change the Florida Building Code, if that is necessary to change local practices. The City Manager is to ensure the Planning Director reviews FEMA's flood maps and other data to better shape its zoning regulations.

**MOTION:** Libbin/Góngora: (2-0) Approve #2 of Morris Sunshine's proposals.

**8. DISCUSSION PERTAINING TO "SMARTER MATERIALS FOR NEXT GENERATION INFRASTRUCTURE," SUCH AS ELIMINATING THE DISPOSAL OF TIRES IN GLOBAL LANDFILLS AND INCINERATORS.**

**(REFERRED BY COMMISSIONER MICHAEL GONGORA  
DECEMBER 12, 2012 CITY COMMISSION MEETING, ITEM C4M)**

**AFTER-ACTION: DEFERRED TO FEBRUARY LUDC MEETING**

**9. AN ORDINANCE AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 66, ENTITLED "MARINE STRUCTURES, FACILITIES AND VEHICLES," BY AMENDING ARTICLE II, TO BE ENTITLED "RESTRICTED WAKE ZONES," TO CREATE REGULATIONS FOR RESTRICTED WAKE ZONES; PROVIDING FOR A PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR RESTRICTED AREAS; PROVIDING FOR POSTING OF REGULATORY MARKERS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. FIRST READING.**

**(REQUESTED BY CITY COMMISSION  
DECEMBER 12, 2012 CITY COMMISSION MEETING, ITEM R5F & R7I)**

**AFTER-ACTION: DEFERRED TO FEBRUARY LUDC MEETING**

**10. DISCUSSION OF THE 6TH AND 53RD STREET RESTROOMS PROJECT.**

**(REQUESTED BY CITY COMMISSION  
JANUARY 16, 2013 CITY COMMISSION MEETING, ITEM R7E)**

**AFTER-ACTION:** Fernando Vazquez introduced the item, and introduced the project team present for today's discussion. Elvira Freire, architect with C3TS made a presentation about the design of the facilities. Thornton Construction, the construction manager at risk presented the details.

**MOTION:** Refer to the full Commission without recommendation.

**11. HOTEL PARKING REQUIREMENTS ORDINANCE.  
(REQUESTED BY CITY COMMISSION  
JANUARY 16, 2013 CITY COMMISSION MEETING ITEM, R5E)**

**AFTER-ACTION:** Richard Lorber explained how the item was discussed at the previous Commission hearing, and the various proposals. Commissioner Góngora went through each aspect of the ordinance, finding consensus on 1.0 spaces/room for West Avenue and South of Fifth, and 0.5 spaces/room for Historic Districts and North Beach. Michael Larkin made a presentation on behalf of the Finvarb Hotel project at 17<sup>th</sup> Street and West Avenue, and proposed a modification to the proposed ordinance which would permit hotels outside historic districts which agree to limit accessory commercial uses to have the same 0.5 per room formula apply to them as is proposed for those properties in historic districts and North Beach. Christine Florez spoke on behalf of West Avenue Corridor Neighborhood Association. Also speaking were Richard Finvarb, Nancy Liebman, Neisen Kasdin, Alfredo Gonzalez, and Frank DelVecchio. Commissioner Góngora enquired about the possibility of requiring a public purpose for a dispensation for hotel development. Commissioner Libbin brought up the matter of employee parking. He also discussed the problems associated with the Housing Authority property. He suggested that the neighbors explore what alternative projects might be located at the subject property, that might create even more traffic.

**MOTION:** Libbin/Góngora: (2-0) Move the Planning Department staff recommendation to full Commission, and request more information on employee parking, potential for additional amendments, and on possibilities for achieving public benefits in return for additional parking reductions.

The Committee also guided the proponent of the proposed hotel development at 17<sup>th</sup> Street and West Avenue to continue to meet with residents, and to present his suggestion dealing with hotels outside historic districts which limit accessory commercial uses to the full Commission for possible referral to the Planning Board as a separate ordinance.

Attachment

  
KGB/JSG/RL

LAND USE AND DEVELOPMENT COMMITTEE MEETING

January 23, 2013 @ 3:00 pm

City Manager's Large Conference Room

Attendance Sheet

	NAME	CONTACT NUMBER	I WISH TO RECEIVE THE AGENDA ELECTRONICALLY	E-MAIL ADDRESS
1.	DAVID SACKS	305-379-2#25	yes	dsacks @ pathmanlewis.com
2.	Sgt. MICHAEL GEORGE	305-673-7959	YES	MICHAEL GEORGE @ MIAMI BEACH FL. GOV
3.	CABRIELLE REDFERN	X6757	YES	CABRIELLE REDFERN @ MIAMI BEACH FL. GOV
4.	Joyce Meyers	X6167	yes	jmeyers @ miami beach fl. gov
5.	THOMAS MOONEY	X6191	yes	tmooney @ ll ll ll
6.	Juan Alfonso	305-514-3211	yes	Juan. Alfonso @ ATKINS GLOBAL CORP
7.	[Signature]	305 514 487	No	@
8.	FELIPE CASERNA	305.649.1995	yes	felipe @ thornton-inc.com
9.	Christine Florez	305.923.3862	yes	westavenuesdb @ gmail.com
10.	DAISY TORRES	<del>305-673-7959</del>	yes	DTORRES @ CRESCENTHEATL
11.	Michael Larkin		yes	m/larkin @ brzoninglaw.com
12.	Mickey Marrero	3/374-5200	yes	mmarrero @ brzoninglaw.com
13.	Tom Thornton	3/649-1995	yes	Tom @ Thornton-inc.com
14.	HARVEY WILLIAMS	305.649.1995	yes	harvey @ thornton-inc.com
15.	DAVID CARTER	305-514-3272	Yes	david.carter @ atkinsglobal.com
16.	ELVIRA FREIRE	305-445-2900	YES	efreire @ C3TS.COM
17.	MORRIS SUNSHINE	305-672-9090	yes	Morse Central
18.	Graham Penn	305 374 5300	YES	gpenn @ brzoninglaw.com
19.	David Kelsey			@
20.				@

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