



MIAMI BEACH

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

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: December 11, 2013

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

A Land Use and Development Committee meeting was held on October 23, 2013. Land Use Committee Members in attendance were Commissioners Michael Góngora, Jonah Wolfson and Jerry Libbin. Other Commission Members in attendance were Mayor Matti Herrera Bower. Members from the Administration, including, Joe Jimenez, Thomas Mooney, Michael Belush, Jose Smith, Gary Held and Deborah Turner, as well as members of public, were also in attendance. Please see the attached sign-in sheet.

The meeting was called to order at 3:10 pm.

1. **DISCUSSION OF THE CITY'S DRAFT TREE ORDINANCE PREPARED BY THE PARKS AND RECREATION DEPARTMENT'S GREEN SPACE MANAGEMENT DIVISION.**

(REQUESTED BY CITY COMMISSION
NOVEMBER 14, 2012 CITY COMMISSION MEETING, ITEM C4A)

ITEM TO BE AUTOMATICALLY WITHDRAWN BY OCTOBER, 2013 IF NOT HEARD PER RESOLUTION NO. 2013-28147*

AFTER-ACTION / MOTION:

Continue to the December Land Use Committee Meeting

2. **PARKING DISTRICT NO. 5 – SUNSET HARBOUR**

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

ITEM TO BE AUTOMATICALLY WITHDRAWN BY OCTOBER, 2013 IF NOT HEARD PER RESOLUTION NO. 2013-28147*

AFTER-ACTION / MOTION:

Continue to the December Land Use Committee Meeting

3. **ZONING AND PLANNING INITIATIVES FOR NORTH BEACH INCLUDING**

Agenda Item C6C
Date 12-11-13

ORDINANCE AMENDMENTS FOR PARKING REQUIREMENTS AND DEVELOPMENT REGULATIONS.

**(RETURNING FROM THE APRIL 23, 2013 LUDC MEETING
ORIGINALLY REFERRED BY COMMISSIONER JERRY LIBBIN,
DECEMBER 12, 2012 CITY COMMISSION MEETING, ITEM C4I #1)**

**ITEM TO BE AUTOMATICALLY WITHDRAWN BY NOVEMBER, 2013 IF NOT HEARD
PER RESOLUTION NO. 2013-28147***

AFTER-ACTION:

Thomas Mooney provided an overview of the item.

Comm. Libbin discussed the importance of the item.

Daniel Vietia spoke and discussed the importance of the proposals and the impact on the retention and preservation of MiMo buildings in North Beach.

Debra Ruggeiro spoke and discussed the renovation of the hotel on Harding Avenue in North Beach.

Comm. Wolfson suggested increasing the no parking fee proposal from the 2,500 square feet proposed to the maximum FAR for the site.

Mayor Bower asked a question regarding the location of parking spaces for additions.

MOTION:

Refer the matter to the Planning Board as an Ordinance Amendment with a recommendation to replace the proposed 2,500 square foot limit on additions with the maximum FAR available on the property. Additionally, the Planning Board is directed to look at the 2,500 square foot limitation on additions.

Libbin/Gongora (3-0)

4. DISCUSSION TO CONSIDER THE SOLICITATION OF LETTERS OF INTEREST FROM INSTITUTIONS OF HIGHER EDUCATION FOR THE DEVELOPMENT OF OUR MUNICIPAL ASSETS IN NORTH BEACH.

**(REQUESTED BY COMMISSIONER DEEDE WEITHORN
APRIL 17, 2013, CITY COMMISSION MEETING ITEM C4A)**

**ITEM TO BE AUTOMATICALLY WITHDRAWN BY NOVEMBER, 2013 IF NOT HEARD
PER RESOLUTION NO. 2013-28147***

AFTER-ACTION / MOTION:

No action taken. Item dropped from Agenda.

5. ACCESSORY SETBACK ENCROACHMENTS

AN ORDINANCE 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 142-1132 TO MODIFY THE SETBACKS FOR ALLOWABLE ENCROACHMENTS INCLUDING DRIVEWAYS, CARPORTS AND MECHANICAL EQUIPMENT; BY AMENDING SECTION 142-1133 TO MODIFY THE SETBACK

REQUIREMENTS FOR SWIMMING POOLS AND THE REQUIREMENTS FOR THE CONSTRUCTION OF SWIMMING POOLS ON CORNER AND THRU LOTS WITHIN SINGLE FAMILY DISTRICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

**(DEFERRED FROM THE JULY 22, 2013 LUDC MEETING
ORIGINALLY REQUESTED BY CITY COMMISSION
MAY 8, 2013 CITY COMMISSION MEETING, ITEM R5H)**

AFTER-ACTION / MOTION:

Refer the matter to the City Commission for 2nd Reading with a favorable recommendation.
Libbin/Gongora (2-0)

- 6. DISCUSSION REGARDING A PROPOSED AMENDMENT TO SECTION 142-213. –
CONDITIONAL USES TO INCLUDE THE FOLLOWING LANGUAGE:
AND NON-MEDICAL LOW INTENSITY OFFICES, SUCH AS ARCHITECT OFFICES,
ACCOUNTANT OFFICES, ATTORNEY OFFICES AND REAL ESTATE OFFICES,
WHICH ARE LOCATED ON THE LOBBY LEVEL OF BAY FRONT APARTMENT
BUILDINGS. THE PROPOSED SECTION WILL READ AS FOLLOWS:
SEC. 142-213. - CONDITIONAL USES.**

**CONDITIONAL USES IN THE RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM
INTENSITY DISTRICT ARE ADULT CONGREGATE LIVING FACILITY; DAY CARE
FACILITY; NURSING HOME; RELIGIOUS INSTITUTIONS; PRIVATE AND PUBLIC
INSTITUTIONS; SCHOOLS; COMMERCIAL OR NONCOMMERCIAL PARKING LOTS
AND GARAGES; ACCESSORY NEIGHBORHOOD IMPACT ESTABLISHMENT, AS
SET FORTH IN ARTICLE V, DIVISION 6 OF THIS CHAPTER; AND NON-MEDICAL
LOW INTENSITY OFFICES, SUCH AS ARCHITECT OFFICES, ACCOUNTANT
OFFICES, ATTORNEY OFFICES AND REAL ESTATE OFFICES, WHICH ARE
LOCATED ON THE LOBBY LEVEL OF BAY FRONT APARTMENT BUILDINGS.**

**(REQUESTED BY VICE-MAYOR JONAH WOLFSON
JUNE 5, 2013 CITY COMMISSION MEETING, ITEM C4G)**

AFTER-ACTION:

Thomas Mooney provided an overview of the item.

Alex Tachmes spoke on behalf of the Mae Capri property.

Comm. Libbin expressed support for the proposal to use low intensity offices.

MOTION:

Refer the matter to the Planning Board as an Ordinance Amendment.
Libbin/Wolfson (3-0)

- 7. DISCUSSION INVOLVING RESTRICTING A PORTION OF CITY STREET LOCATED
IN THE MIDDLE OF ST. PATRICK'S SCHOOL AND PRE-K SCHOOL FOR SAFETY
AND SECURITY REASONS.**

**(REQUESTED BY COMMISSIONER MICHAEL GONGORA
JUNE 5, 2013 CITY COMMISSION MEETING, ITEM C4J)**

AFTER-ACTION:

Eric Carpenter provides an overview of the item, including the need for a traffic analysis.

Comm. Libbin asked a question about the map of the area, including the impact of the proposal on existing parking.

Comm. Gongora suggested that the administration perform a parking and traffic analysis.

Representatives from St. Patrick's expressed concerns regarding the safety of kids with the current gate-arm.

Comm. Wolfson indicated that the proposed loss of parking spaces would not be an issue in the area.

Comm. Libbin suggested using caution as any proposal to close a street could set a precedent.

Comm. Wolfson asked a question on the procedures for closing the street, and suggested exploring a partial closing of the street, as well as a full vacation of the right-of-way.

Gary Held provided the Committee with an explanation of the different options available.

MOTION:

Administration is instructed to issue a Right-of-Way permit immediately for a fence and gate, and to perform a traffic and parking analysis for the permanent vehicular closure of Meridian Avenue. The Right-of-Way permit will be for 120 days, and the parking and traffic analysis will be brought back to the Land Use Committee when complete.

Wolfson/Libbin (3-0)

**8. BOAT DOCKS AND MARINE STRUCTURES ORDINANCE.
(DEFERRED FROM THE JULY 22, 2013 LUDC MEETING
ORIGINALLY REQUESTED BY CITY COMMISSION
JULY 17, 2013 CITY COMMISSION MEETING, ITEM C4E)**

AFTER-ACTION / MOTION:

Continue to the December Land Use Committee Meeting.

**9. DISCUSSION CONCERNING THE MOTION BY THE GLBT BUSINESS
ENHANCEMENT COMMITTEE REGARDING EXTENDING HOURS OF OPERATION
FOR THE FOUR EVENT WEEKENDS: WHITE PARTY, WINTER PARTY FESTIVAL,
MIAMI BEACH GAY PRIDE AND AQUA GIRL.
(REQUESTED BY COMMISSIONER MICHAEL GONGORA
JULY 17, 2013 CITY COMMISSION MEETING, ITEM C4J)**

AFTER-ACTION / MOTION:

Apply the same standard used for 'White Party' to similar events.
Libbin/Gongora (2-0)

10. CONSIDERATION OF A PROPOSED BALLOT QUESTION TO PERMIT LIMITED TRANSFER OF FAR WITHIN A SPECIFIC ZONE, PURSUANT TO CRITERIA THAT SHALL BE ESTABLISHED IN UPCOMING ORDINANCES REGARDING ALTON ROAD.

(RETURNING FROM THE JULY 22, 2013 LUDC MEETING
REQUESTED BY COMMISSIONER DEEDE WEITHORN
JULY 17, 2013 CITY COMMISSION MEETING, ITEM C4R)
VERBAL REPORT

AFTER-ACTION / MOTION:

Item Withdrawn

11. DISCUSSION ON A RESOLUTION CALLING FOR A SPECIAL ELECTION TO BE HELD ON NOVEMBER 5, 2013, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH AN ADVISORY, NON-BINDING STRAW BALLOT QUESTION ASKING WHETHER THE CITY COMMISSION SHOULD, WITHOUT OWNER CONSENT, DESIGNATE INDIVIDUAL SINGLE FAMILY HOMES THAT SATISFY THE CITY CODE'S EVALUATION CRITERIA FOR LOCAL HISTORIC SITE DESIGNATION?

(REQUESTED BY COMMISSIONERS JERRY LIBBIN & JONAH WOLFSON
JULY 17, 2013 CITY COMMISSION MEETING, ITEM R7F)
VERBAL REPORT

AFTER-ACTION / MOTION:

Item Withdrawn

12. DISCUSSION REGARDING REPEALING SEC. 74-1, ENTITLED "SOLICITING BUSINESS IN PUBLIC FROM PEDESTRIANS" OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA.

(REQUESTED BY COMMISSIONER JONAH WOLFSON
JULY 17, 2013 CITY COMMISSION MEETING, ITEM R9E)
VERBAL REPORT

AFTER-ACTION / MOTION:

Land Use Committee recommends not moving forward with the proposal.
Libbin/Gongora (2-0)

13. a) DISCUSSION ON ARCHITECTURALLY SIGNIFICANT HOMES – THE CITY OF CORAL GABLES ORDINANCE LANGUAGE IN REGARDS TO THE REVIEW OF TOTAL DEMOLITION REQUESTS FOR SINGLE FAMILY HOMES.

(DEFERRED FROM THE SEPTEMBER 23, 2013 LUDC MEETING
ORIGINALLY REQUESTED BY MAYOR MATTI HERRERA BOWER
SEPTEMBER 11, 2013 CITY COMMISSION MEETING, ITEM C4J)

- b) DISCUSSION ON THE HISTORIC PRESERVATION BOARD'S RECOMMENDATION TO ADOPT A DEMOLITION ORDINANCE FOR SINGLE FAMILY RESIDENCES, AS SIMILAR AS POSSIBLE TO THE CITY OF CORAL GABLES

ORDINANCE, WHICH REQUIRES REVIEW OF TOTAL DEMOLITION REQUESTS FOR ANY STRUCTURE 50 YEARS OF AGE OR OLDER BY THE CITY'S HISTORIC PRESERVATION OFFICER, IN ORDER TO DETERMINE IF THE STRUCTURE SHOULD BE BROUGHT TO THE HISTORIC PRESERVATION BOARD FOR HISTORIC DESIGNATION CONSIDERATION.

**(REQUESTED BY MAYOR MATTI HERRERA BOWER
JULY 17, 2013 CITY COMMISSION MEETING, ITEM C4S)**

AFTER-ACTION:

Thomas Mooney provided an overview of the item.

Mayor Bower suggested that it would be worthwhile to explore the implementation of the Coral Gables process.

Comm. Libbin expressed concerns with the impact of sea level rise and the need for future policies to be consistent with rising flood levels.

Daniel Ciraldo spoke and indicated that he believes sea level rise should be addressed. Also indicated that the raising of homes should be explored and suggested a distinction between 'Architecturally Significant' and 'Landmark' homes.

Clotilde Luce spoke on behalf of Jeff Donnelly, who recommended that an historic resource assessment of homes be conducted, prior to demolition. Clotilde also discussed the quality of life in single family districts.

Mitch Novick spoke and discussed the active hurricane seasons of 2004 and 2005, and the subsequent bold predictions for future active seasons. Additionally, he discussed flood issues and indicated he was supportive of the application of the Coral Gables Ordinance on Miami Beach, as it would eliminate the need for a database of homes.

Charles Urstadt spoke and indicated that it would be worthwhile to explore how such an Ordinance could be implemented on Miami Beach.

MOTION:

Direct the Administration to study how the Coral Gables Ordinance could be implemented on Miami Beach and bring alternatives back to the Land Use Committee in December.
Gongora/Libbin (2-0)

14. DISCUSSION TO CONSIDER AN AMENDMENT TO ARTICLE II, SECTION 142 OF THE LAND DEVELOPMENT REGULATIONS, TO MODIFY THE REGULATIONS PERTAINING TO MINIMUM HOTEL UNIT SIZE REQUIREMENTS IN THE CITY'S COMMERCIAL ZONING DISTRICTS, PERMITTING NONCONFORMING HISTORIC HOTELS TO BE SIGNIFICANTLY RENOVATED WITHOUT THE NEED FOR ADDITIONAL VARIANCES FOR UNIT SIZE.

**(REQUESTED BY COMMISSIONER MICHAEL GONGORA
SEPTEMBER 11, 2013 CITY COMMISSION MEETING, ITEM C4L)**

AFTER-ACTION:

Joe Jimenez provides an overview

MOTION:

Refer the matter to the Planning Board as an Ordinance Amendment.
Libbin/Gongora (3-0)

**15. DISCUSSION REGARDING THE BEACHWALK II PROJECT PHASE II (3RD STREET TO 5TH STREET).
(REQUESTED BY COMMISSIONER MICHAEL GONGORA
SEPTEMBER 11, 2013 CITY COMMISSION MEETING, ITEM C4N)**

AFTER-ACTION:

Betsy Wheaton provides an overview of the current status of the project. Specifically, due to the refusal of some upland properties to grant easements in the area from 3rd-5th Street, this portion of the beachwalk has been moved into the dune. The Florida DEP required that the actual location of the path be moved westward, closer to the Erosion Control Line, and that the size of the dune be expanded eastward in the area from 3rd to 5th Street.

Comm Libbin asked questions on the cost increase associated with moving the path to the dune and the cost associated with using eminent domain to secure an area for the path in the hard packed area to the west of the dune.

Carla Probus expressed a concern with the potential loss of beach by expanding the dune to the east.

Clotilde Luce spoke and expressed concerns with security in the existing hard pack areas.

Comm. Wolfson indicated that he is supportive of the proposal to place the walkway within the dune area.

Comm. Gongora expressed concerns with cutting through the dunes and indicated that he would like to know the potential cost of eminent domain litigation. He recommended that the matter be discussed in December by the full City Commission.

Comm. Libbin indicated that he was ok with the matter coming back to the land Use Committee in December.

MOTION:

Continue the matter to the December Land Use Committee to discuss the potential cost increase of going into the dune.
Libbin/Gongora (3-0)

**16. DISCUSSION REGARDING THE CREATION OF AN OVERLAY DISTRICT INCLUDING AND ADJACENT TO, OR POSSIBLE REZONING OF, THE PROPERTY LOCATED AT 1729 LENOX AVENUE TO ACCOMMODATE ADDITIONAL CHILDREN AT THE TEMPLE BETH SHMUEL MONTESSORI SCHOOL.
(REQUESTED BY MAYOR MATTI HERRERA BOWER
SEPTEMBER 11, 2013 CITY COMMISSION MEETING, ITEM C40)**

AFTER-ACTION:

Thomas Mooney provided an overview of the item.

Ryan Baline: Spoke on behalf of the Montesorri School and provided a summary of the schools position including the extent of neighborhood outreach conducted by the school within the Palm View area.

David Aitel: Resident of Palm View who spoke in favor of the proposal and indicated that he believed there would be no negative impact associated with a modest expansion of the school.

Rita Starr: Resident of Palm View who supports the proposed expansion and believes it would be great for the City.

Chris Poirier: Conducted door-door outreach in the Palm View area and indicated that she found overwhelming support among residents of the area, including 250 letters of support.

Jaimie Lawfer: Parent of children enrolled in the school who supports the proposed overlay and re-zoning.

Comm. Libbin indicated that the education of children is very important.

Comm. Wolfson asked a question regarding neighbors who had previously expressed concerns with the proposed expansion and suggested that as part of the proposed overlay ways to reduce any potential impacts on the neighborhood be explored.

Comm. Gongora discussed the importance of balancing education needs with appropriate buffering of potential impacts on neighbors.

MOTION:

Refer the matter to the Planning Board as an Ordinance Amendment including an overlay, required buffering from residential homes and Conditional Use approval.

Libbin/Gongora (3-0)

17. DISCUSSION REGARDING TAXI SERVICE IN MIAMI BEACH AND MIAMI-DADE COUNTY.

**(RETURNING FROM THE SEPTEMBER 23, 2013 LUDC MEETING
ORIGINALLY REQUESTED BY COMMISSIONER MICHAEL GONGORA
SEPTEMBER 11, 2013 CITY COMMISSION MEETING, ITEM R9Q)**

AFTER-ACTION:

Joe Jimenez provided an overview.

MOTION:

The Administration is instructed to monitor the matter and report back to the Land Use Committee.

Meeting Adjourned at 5:15 PM

Attachment

JLM/JMJ/TRM

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LAND USE AND DEVELOPMENT COMMITTEE MEETING

October 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.	Michael Belosh	x6258		@
2.	Steve Wernick	305 982-5579	Yes	Steven.wernick@akerman.com
3.	ELISSA SPEKTOP	305.924.6600	NO	EMFOLKMAN@yahoo.com
4.	Tiffany Zientz Hecker	7863670145	NO	TLZ626@yahoo.com
5.	Daniel Vertin	3052193408	NO	@
6.	Alex Teclmer	3053477341		@
7.	Michael Compton	608225-0717	NO	@
8.	Dave Aitel	7862639749	NO	dave.aitel@gmail.com
9.	HERNAN CARDENO	305.673.7000 ext. 6854		HERNAN CARDENO@MANISECURE.GOV
10.	LORI SPODAK	7868771014	NO	lorispodak@gmail.com
11.	Clotilde Luce	305 538 6701	NO	clluce@bellsouth.net
12.	Daniel Graldo	305 496 9535	NO	Lgc223@gmail.com
13.	Charles Urstadt	305-498-0077	Yes	Charlie@Urstadt.com
14.	JEFF DOWNER	305-532-1441	YES	JEFFDOWN@aol.com
15.	Casey Wood	305-431-0209	NO	caseywood@gmail.com
16.	Liza Samuel	305-490-4717	NO	Liza Samuel Realty@aol.com
17.	Roy Samuel	305 491-1233	NO	RgzRoy@aol.com
18.	JAMES DRONIKY	305-587-9129	NO	JSDR@GMAIL.COM
19.	Andrea Wood	305-972-6322	NO	ADCWOOD@GMAIL.COM
20.	MIKE GRIECO	305 857 0034	NO	MICHAEL@GRIECO.LAW.COM

BERNARD RUBIN

PRIZZ AOL.COM

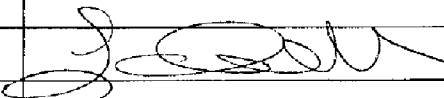
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LAND USE AND DEVELOPMENT COMMITTEE MEETING

October 23, 2013 @ 3:00 pm

City Manager's Large Conference Room

Attendance Sheet

	NAME	CONTACT NUMBER	I WISH TO RECEIVE THE LINK TO THE ELECTRONIC AGENDA	E-MAIL ADDRESS
21.	Debbie Serbin	305-588-1970	Serbinfamily@bellsouth.net	@
22.	Rebecca Krays	305 7730742	rs Krays @ gmail.com	@
23.	Angela Durand	305 804-0815		@
24.	Rhonda Mitrani	315827191	Rhondamitrani@gmail.com	@
25.	Dana Bradin	3057612393	dana@cylmco.net	@
26.	Hinda Adler	305 753 7143		hinda.adler@gmail.com
27.	NATASHA ANNE	305-613-2662		@
28.	Adam LAFER	305-706-5787		glcfer @ gmail.com
29.	Jamie Laker	305-206-6011		JamieLaker @ gmail.com
30.	Kris Panyan	417 4500944		Krispanyan @ gmail.com
31.	Lance Geller	305/777-2211		Lance @ gelleresq.com
32.	Henry Doce			enrique doce @ miamiherald.com
33.	CHARLIE REEDEN	305 673 7000	yes	CHARLIE REEDEN @ MIAMIHERALD.COM
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