



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: March 5, 2014

SUBJECT: **REPORT OF THE FEBRUARY 19, 2014 LAND USE AND DEVELOPMENT COMMITTEE MEETING**

A Land Use and Development Committee meeting was held on February 19, 2014. Land Use Committee Members in attendance were Commissioners Joy Malakoff, Michael Grieco, and Deede Weithorn. Other Commission Members in attendance were Micky Steinberg. Members from the Administration, including, Jimmy Morales, Thomas Mooney, Michael Belush, Jose Smith and Gary Held, as well as members of public, were also in attendance. Please see the attached sign-in sheet.

The meeting was called to order at 3:03 pm.

- 1. DISCUSSION REGARDING REVISIONS TO CITY CODE CHAPTER 54, VARIANCE REQUIREMENTS FOR HISTORIC PROPERTIES.
(REFERRED BY CITY COMMISSION
SEPTEMBER 11, 2013 CITY COMMISSION MEETING, ITEM C4C
VERBAL REPORT**

AFTER-ACTION

Steven Scott, Deputy Building Director, provided an overview of the item and suggested that the item be withdrawn due to recent legislative changes. The item would continue to be monitored.

MOTION: Withdrawal Accepted

- 2. DISCUSSION FOR CONSIDERATION OF ESTABLISHING ACCEPTABLE ACCESSORY USES PERMITTING RESTAURANTS IN CONTRIBUTING HISTORIC STRUCTURES WITHIN THE RM-2 CULTURAL ARTS NEIGHBORHOOD OVERLAY DISTRICT.**

**(CONTINUED FROM THE JANUARY 22, 2014 LUDC MEETING
SPONSORED BY COMMISSIONER JOY MALAKOFF
ORIGINALLY REQUESTED BY COMMISSIONER JORGE R. EXPOSITO
OCTOBER 16, 2013 CITY COMMISSION MEETING, ITEM C4G)**

AFTER-ACTION

Continued to March 19, 2014

Agenda Item CGA
Date 3-5-14

3. a) **DISCUSSION REGARDING A CHANGE TO THE COMPOSITION OF THE DESIGN REVIEW BOARD TO A BOARD OF PROFESSIONALS.**

**(REQUESTED BY COMMISSIONER JOY MALAKOFF
JANUARY 15, 2014 CITY COMMISSION MEETING, ITEM C4C)**

3. b) **DISCUSSION REGARDING 1) AMENDMENT TO CITY CODE SECTION 2-459, TO PROVIDE FOR LIMITED EXCEPTION PERMITTING "ASSOCIATES" OF CITY AGENCY MEMBERS TO LOBBY AS ARCHITECTS/DESIGN PROFESSIONALS BEFORE A CITY LAND USE BOARD; AND RELATED PROCESS FOR AMENDING CODE SECTION 2-459; AND 2) STREAMLINING CITY'S DESIGN APPLICATION PROCESS BY AMENDMENT OF CITY'S LAWS TO PERMIT VARIANCE REQUESTS ARISING OUT OF PROJECTS BEFORE DESIGN REVIEW BOARD AND/OR HISTORIC PRESERVATION BOARD BE HEARD BY THOSE BOARDS, RATHER THAN NECESSITATING APPLICANT TO FILE A SEPARATE VARIANCE APPLICATION TO BOARD OF ADJUSTMENT; AND RELATED PROCESS FOR LAWS' AMENDMENTS.**

**(REQUESTED BY COMMISSIONER JOY MALAKOFF
FEBRUARY 12, 2014 CITY COMMISSION MEETING, ITEM C4B)**

AFTER-ACTION

Thomas Mooney and Gary Held provided an overview of the item, including the proposed ballot language.

Commissioner Weithorn discussed how the proposed changes could attract more design professionals, and proposed that more of a middle ground could be explored in terms of who would be permitted to lobby.

Public Comment provided.

Commissioner Weithorn expressed a concern with Land Use Board absences, Board members leaving meetings early and the current allowance of up to 4 absences in a calendar year.

MOTIONS:

1. Move ballot language regarding transfer of Board of Adjustment powers, as may be revised by the City Attorney's Office, to the Full City Commission with a favorable recommendation. D. Weithorn / M. Grieco (3-0).
2. Move ballot language regarding amendments to Chapter 2-459, as may be revised by the City Attorney's Office, to the Full City Commission with a favorable recommendation. D. Weithorn / M. Grieco (3-0).
3. Direct the Administration to prepare Code Amendments for review by the Land Use Committee on April 9, 2014, which address the following:
 - The 2 year waiting period required between at the end of a 6 year term
 - Revising and clarifying the powers and duties of each Board.
 - Codifying the 'Practical Difficulty' standard.
 - Adding Board Member removal criteria.
 - Transferring the authority of the Flood Plain Management Board to the

Historic Preservation Board.
D. Weithorn / M. Grieco (3-0)

4. **DISCUSSION ON A CODE AMENDMENT TO THE RM-3 ZONING DISTRICT SETBACK REGULATIONS FOR DETACHED ADDITIONS ALSO REFERRED TO AS CABANA STRUCTURES, AT OCEANFRONT LOTS LOCATED IN THE MIAMI BEACH ARCHITECTURAL DISTRICT, AND FOR ADA WALKWAYS AND RAMP STRUCTURES IN SIDE YARDS.**

**(REQUESTED BY CITY COMMISSION
JANUARY 15, 2014 CITY COMMISSION MEETING, ITEM C4D)**

AFTER-ACTION:

Thomas Mooney provided an overview of the item.

Michael Larkin and Neisen Kasdin spoke in favor of the Code change, on behalf of affected clients.

Gary Held proposed alternative language for the covered walkways portion of the proposed amendment.

MOTION: Refer to the Planning Board with a favorable recommendation.
M. Grieco / D. Weithorn (3-0)

5. **DISCUSSION ON AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS TO REPEAL ORDINANCE NO. 2013-3799, WHICH CREATED AN ADDITIONAL CONDITIONAL USE TO PERMIT SELF-STORAGE IN THE CD-2 ZONING DISTRICT ALONG THE ALTON ROAD CORRIDOR.**

**(REQUESTED BY COMMISSIONER JONAH WOLFSON,
JANUARY 15, 2014 CITY COMMISSION MEETING, ITEM C4H)**

AFTER-ACTION

Thomas Mooney provided an overview, including the legislative history.

Wayne Pathman provided testimony regarding the Alton Road site between 6th and 7th Streets.

Commissioner Grieco indicated that he does not support the repeal of the Ordinance.

Commissioner Weithorn agreed and emphasized the previous support from surrounding area.

MOTION: Recommend NOT to repeal the Ordinance.
M. Grieco / D. Weithorn (3-0)

6. **DISCUSSION ON THE PROPOSED TERMINAL ISLAND RESIDENTIAL PROJECT.**

**(REQUESTED BY CITY COMMISSION
FEBRUARY 12, 2014 CITY COMMISSION MEETING, ITEM C4G)
PRESENTATION**

AFTER-ACTION

Presentation made by the developer of the site.

Comm. Grieco raised questions regarding the Coast Guard station and the impact on the site lines of the existing residential towers along Alton Road, south of Fifth Street.

Public comment was taken.

Commissioner Weithorn inquired about what would happen if the City should need FAR in the future for expansion needs

Thomas Mooney re-iterated the need to address the overall FAR requirements for both the City facility and the proposed residential project.

MOTION: Continue the discussion to the April 9, 2014 meeting, to give the developer time to present a more complete proposal, which addresses all of the issues outlined at the meeting.

M. Grieco / D. Weithorn (3-0).

**7. DISCUSSION REGARDING CHANGING THE LEVEL IN WHICH A COMMERCIAL BUILDING IS BUILT FROM GRADE TO BASE FLOOD ELEVATION.
(REQUESTED BY COMMISSIONER JOY MALAKOFF
FEBRUARY 12, 2014 CITY COMMISSION MEETING, ITEM C4E)**

AFTER-ACTION:

Continued to March 19, 2014.

Meeting Adjourned at 5:10 PM

Attachment

JLM/ TRM

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LAND USE AND DEVELOPMENT COMMITTEE MEETING

February 19, 2014

City Commission Chambers

Attendance Sheet

NAME	CONTACT NUMBER	I WISH TO RECEIVE THE AGENDA ELECTRONICALLY	E-MAIL ADDRESS
1. Harvey Hume Jr	305-938-5707		hhume@newland.com
2. Marc Coleman	"		MColeman@Newland.com
3. Naima De Pinedo			@
4. Stephen Scott	x5872		stephenscott@mkac.com
5. John/Korbin	(305) 377-6231		mkorbin@brzoninglaw.com
6. Sherry Kaplan Roberts	305-205-2080		sherry.kaplan@gsd.com
7. Alego Chovelz	786 202 5680		@
8. Christina Cervio	305-331-8758		christina@tsgfl.com
9. JOHN McWILLIAMS	954-535-5100		john.mewilliams@kimley-horn.com
10. FRANK DELVECHIO	305-672-2486		@
11. Tony Cummings	813 917-361-3819		cc@advancitree.com
12. Jackie Mansfield	917-545-0167		jmansfield@nicap.com
13. SHIRAZA GUTIERREZ	305 372 1812		SHIRAZA@ARQUITECTONICA.COM
14. Matthew Amster	305 377 6236	✓	mamster@brzoninglaw.com
15. Mark HADDAD	810 499 3333	✓	Mark.Antoni.HADDAD@gmail.com
16. Joyce Seales	917 497 5004	✓	jhsproperties@gmail.com
17. Daniel Cordoba	305-496-9535		dgc223@gmail.com
18. Biba de la Fuente	305-760-8570	✓	BdeLaFuente@LSRCF.com
19. W. Pathman	305-379-2425	✓	wpathman@pathmanlaw.com
20. Jo Manning	305-538-3770		jo.manning@gmail.com

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Rick Kendall 305-772-6688

tax123@me.com

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