



COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: April 23, 2014

SUBJECT: **REPORT OF THE APRIL 9, 2014 LAND USE AND DEVELOPMENT COMMITTEE MEETING**

A Land Use and Development Committee meeting was held on April 9, 2014. Land Use Committee Members in attendance were Commissioners Joy Malakoff, Deede Weithorn, Michael Grieco and Micky Steinberg. Members from the Administration, including, Joe Jimenez, Thomas Mooney, Carmen Sanchez, Michael Belush, Raul Aguila 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 3:06 pm.

1. DISCUSSION REGARDING THE CODE SECTION GOVERNING UNITIES OF TITLE AND COVENANTS IN LIEU OF UNITY OF TITLE.

**(CONTINUED FROM THE MARCH 19, 2014 LUDC MEETING
ORIGINALLY REQUESTED BY COMMISSIONER EDWARD L. TOBIN
JUNE 5, 2013 CITY COMMISSION MEETING, ITEM C4N)**

AFTER-ACTION:

Thomas Mooney provided an overview. Commissioner Weithorn indicated that she supported the Administrations' position and Comm. Malakoff asked for a clarification of the Administrations' recommendation. Members of the public, including Nancy Liebman and Frank Del Vecchio, addressed the Committee.

MOTION: DW/JM (2-0)

Refer the Ordinance to the September Planning Board with a favorable recommendation.

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 FEBRUARY 19, 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 the May 7, 2014 meeting by acclimation.

3. PROPOSED ORDINANCE PERTAINING TO LAND USE BOARD REGULATIONS AND PROCEEDINGS.

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.

**(RETURNING FROM THE FEBRUARY 19, 2014 LUDC MEETING
ORIGINALLY REQUESTED BY COMMISSIONER JOY MALAKOFF
FEBRUARY 12, 2014 CITY COMMISSION MEETING, ITEM C4B)**

AFTER-ACTION:

Thomas Mooney provided an overview, including proposed amendments, and Gary Held suggested additional language be included in any referral of an Ordinance.

MOTION: DW/JM (3-0)

Refer the Ordinance, inclusive of the amendments proposed by the Administration and the City Attorney, to the Planning Board with a favorable recommendation.

4. DISCUSSION ON THE PROPOSED TERMINAL ISLAND RESIDENTIAL PROJECT.

**(RETURNING FROM THE FEBRUARY 19, 2014 LUDC MEETING
ORIGINALLY REQUESTED BY CITY COMMISSION
FEBRUARY 12, 2014 CITY COMMISSION MEETING, ITEM C4G)**

AFTER-ACTION:

Thomas Mooney provided an update and summary. Neisen Kasdin and Harvey Hernandez provided additional, updated information concerning the developer's proposal. Members of the public spoke. Commissioner Grieco asked a question regarding opposition to the proposal and Commissioner Weithorn had questions regarding the potential participation of Fisher Island, as well as truck traffic generated by Fisher Island. Gary Held indicated that a legal memorandum will be required from the applicant to determine whether a referendum will be required.

Commissioner Weithorn indicated that future updates include the Fisher Island parcel, including what has been approved for their site, and that the developer continues a dialogue with the United States Coast Guard; additionally, any future needs of the City Vehicle Facility will be an important component. Commissioner Grieco stated that while it is ok to continue the process, any decision made at today's meeting is not a rubber stamp or implicit approval/endorsement of the project.

MOTION: MG/DW (3-0)

Move forward with drafting a Development Agreement and Term Sheet, which includes all proffered safeguards. The City Attorney and the Administration will place the item on a future Land Use Committee agenda when the draft Term Sheet is ready. Additionally, the draft Term Sheet shall be made available for public review at least 3 weeks prior to the Land Use Committee meeting.

5. DISCUSSION ON THE CREATION OF OVERLAY DISTRICTS FOR STRATEGIC AREAS OF THE CITY.

**(REFERRED BY COMMISSIONER JOY MALAKOFF
MARCH 5, 2014 CITY COMMISSION MEETING, ITEM C4A)**

AFTER-ACTION:

Continued to September 3, 2014 meeting by acclimation.

6. DISCUSSION ON TELECOMMUNICATIONS ORDINANCE.

**(RETURNING FROM THE MARCH 19, 2014 LUDC MEETING
ORIGINALLY REFERRED BY CITY COMMISSION
MARCH 5, 2014, CITY COMMISSION MEETING ITEM C4B)**

AFTER-ACTION:

Continued to May 7, 2014 meeting by acclimation.

7. DISCUSS AMENDING SEC. 106-55 PARKING RATES, FEES AND PENALTIES TO EXEMPT SINGLE FAMILY HOMES.

**(REFERRED BY COMMISSIONER MICKY STEINBERG
MARCH 5, 2014 CITY COMMISSION MEETING, ITEM C4G)**

AFTER-ACTION:

Thomas Mooney provided an overview.

MOTION: DW/JM (2-0)

Refer the Ordinance to the City Commission with a favorable recommendation.

8. DISCUSSION ON BEACHWALK UNIFORMITY.

**(REFERRED BY CITY COMMISSION
MARCH 5, 2014 CITY COMMISSION MEETING, ITEM C4J)**

AFTER-ACTION:

Eric Carpenter, Director of Public Works and Betsy Wheaton, Environmental Manager, provided the Committee with an overview. Commissioner Weithorn asked questions regarding State regulations pertaining to the existing boardwalk. Commissioner Malakoff had a question regarding segregated lanes for bikes, joggers and walkers. Neisen Kasdin spoke on behalf of the FAENA hotel project.

MOTION: DW/JM (2-1)

Move the Administration recommendation and exempt those projects that have been designed under previous beach walk standards.

9. RM-2 ACCESSORY OFFICE USES FOR BAY FRONT APARTMENTS.

**(REFERRED BY CITY COMMISSION
MARCH 5, 2014 CITY COMMISSION MEETING, ITEM R5H)**

AFTER-ACTION:

Thomas Mooney provided an overview. Arthur Marcus addressed the Committee. No action taken by the Committee; the Ordinance to go before the City Commission on April 23, 2014 for 2nd Reading.

10. DISCUSSION ON VALET SERVICES / COMMERCIAL USE IN RESIDENTIAL ZONING DISTRICTS.

**(REFERRED BY CITY COMMISSION
MARCH 5, 2014 CITY COMMISSION MEETING, ITEM R5K)**

AFTER-ACTION:

Joe Jimenez recommended merging this discussion with a forthcoming referral pertaining to the commercial use of single family homes. The Committee, by acclamation, agreed with Mr. Jimenez's recommendation.

The Meeting Adjourned at 4:50 PM

Attachment
JLM/JMJ/TRM

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LAND USE AND DEVELOPMENT COMMITTEE MEETING

April 9, 2014

City Commission Chambers

Attendance Sheet

	NAME	CONTACT NUMBER	I WISH TO RECEIVE THE LINK TO THE ELECTRONIC AGENDA	E-MAIL ADDRESS
21.	Melissa Anderson	561 310 9261		melissa.p.anderson@dcrown.com
22.	David Cirabba	305 496 9535		dgc223@gmail.com
23.	Gossey Steadman	305-535-2655		Gossey@tkewolf.firm.edu
24.	Clay Tackler	305 347 7341		
25.	Mitch Bierman	305 758 0059		mbierman@wash-law.com
26.	Harmon Kacchio	305-672-2486	✓	mkacchio@attentive.net
27.	FRANK "	"	✓	frank@attentive.net
28.	Jean Kulich	305 532 4244	✓	jeank193@aol.com
29.	Sarah Winclet	305 917 902 9159		Sarah.w93@yahood.com
30.	Debi Grade	305 401-2169		Debi@DebraQuader.com
31.	Victor Bared	305 469-9609		
32.	Susan Wellner	786 877-7877		MAZESTOP3@gmail.com
33.	Maxilyn Fajardo	305-415-7154		Maxilyn.Fajardo@ccs.mil
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LAND USE AND DEVELOPMENT COMMITTEE MEETING
 April 9, 2014
 City Commission Chambers

Attendance Sheet

	NAME	CONTACT NUMBER	I WISH TO RECEIVE THE AGENDA ELECTRONICALLY	E-MAIL ADDRESS
1.	Arthur Selman	305-609-4288	ksullivan@atl.com	@
2.	Arthur Marcus	305-674-8145	MARCUS_A@BELLOUTH.NET ←	@
3.	SAYL FRANCIS	305 670-7505	SOUL FRANCIS@NIMBACF.ORG	@
4.	DICK KENDLE	305-772-6686	TAXI23@me.com	@
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