



COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager *Jorge*

DATE: June 1, 2011

SUBJECT: **REPORT OF THE MAY 18, 2011 LAND USE AND DEVELOPMENT COMMITTEE MEETING**

A meeting of the Land Use and Development Committee was held on May 18, 2011. Members in attendance were Commissioners Wolfson, Gongora and Exposito. Commissioner Libbin and Mayor Bower were also in attendance. 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 4:24 pm.

OLD BUSINESS:

1. **PROPOSED ALTON ROAD HISTORIC DISTRICT BUFFER OVERLAY.**

AFTER-ACTION: DEFERRED (MOVE TO PENDING ITEMS)

2. **PROPOSED PARKING DISTRICT #5 FOR THE ALTON ROAD CORRIDOR.**

AFTER-ACTION: DEFERRED (MOVE TO PENDING ITEMS)

3. **DISCUSSION REGARDING AN ORDINANCE REQUIRING A MAINTENANCE BOND TO ENSURE ABANDONED CONSTRUCTION SITES MEET PROPERTY MAINTENANCE STANDARDS.**

AFTER-ACTION: The Committee discussed the proposed ordinance briefly.

MOTION: Gongora/Libbin (vote 3-0) Send the proposed ordinance to Planning Board for review and recommendation.

4. **DISCUSSION ON THE DEVELOPMENT OF A CITYWIDE TRANSPORTATION PLAN.**

AFTER-ACTION: DEFERRED

5. **DISCUSSION REGARDING TEMPORARY STOREFRONT SIGNS.**

AFTER-ACTION: DEFERRED

6. **TEMPORARY REMOVAL OF PARKING SPACES.**

AFTER-ACTION: The Committee discussed the proposed ordinance briefly.

Agenda Item CGD
Date 6-1-11

MOTION: Gongora/Libbin (vote 3-0). Send to the full Commission.

7. a) DISCUSSION ON A POSSIBLE AMENDMENT TO THE ACCESSORY USE REGULATIONS FOR THE RM-2 ZONING DISTRICT TO PERMIT A LIMITED NUMBER OF COMMERCIAL ACCESSORY USES IN AN APARTMENT BUILDING ADJACENT TO A PUBLIC BAYWALK TO BE OPEN TO THE PUBLIC.

7. b) DISCUSSION REGARDING THE BAYWALK CONSERVATION DISTRICT PROPOSAL PUT FORTH BY MEMBERS OF THE LINCOLN WEST NEIGHBORHOOD ASSOCIATION.

AFTER-ACTION: DEFERRED FOR ONE MONTH – TO BE TAKEN AS THE FIRST ITEM ON THE AGENDA ON JUNE 6, 2011.

8. a) DISCUSSION CONCERNING THE SHORT-TERM RENTAL ORDINANCE IN FLAMINGO PARK NEIGHBORHOODS FOR LESS THAN 3 UNITS.

AFTER-ACTION: Tammy Tibbles made a presentation explaining that there is an internal conflict in the City Code, as the short term rental ordinance requires the applicant obtain a Certificate of Use, while other sections of the Code contain exemptions for single-family homes and duplexes. The Committee discussed the issue, and determined that although all applicants were intended to pay the fee in order to recover the costs of review by City staff, there did appear to be some confusion with what the fee was called.

MOTION: Gongora/Libbin (vote 3-0) Motion to refer to the Planning Board an amendment to the short-term rental ordinance amending the definition of the required fee from a “certificate of use” to a different nomenclature.

8. b) DISCUSSION ON INCLUDING A CLAUSE FOR EXCEPTIONS IN THE SHORT TERM RENTALS ORDINANCE.

AFTER-ACTION: Commissioner Exposito introduced the item. Simon Ferro, attorney presented the case of Playa del Oro, LLC at 751 Meridian Avenue, a two story, 12-unit apartment building. They have been engaged in short term rentals in the Flamingo Park area. The recent short term rental ordinance was enacted, and the client believes that they complied with all the requirements of the ordinance. However, the State of Florida had issued a non-transient apartment license, rather than the transient apartment license that the client had requested. Therefore, they missed out on qualifying for legalization, since the deadlines have now passed.

MOTION: Gongora/Libbin (vote 3-0) Continue for one month to permit staff to prepare additional analysis of the numbers of possible other properties that might become eligible, and verify that the State application for transient use was erroneously issued as non-transient. Draft ordinance amending addressing 8.a) and 8.b) should come back to the LUDC.

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

AFTER-ACTION: Richard Lorber introduced the item and explained the current limitations on storage warehouses. He recommended that any code amendment to permit these in the Alton Road corridor (CD-2) be linked to the proposed setbacks and building heights contained in the proposed Alton Road historic district buffer overlay, in order to protect the residential areas directly to the east. Wayne Pathman, attorney, made a presentation explaining why the owners of the property desire to pursue the concept of a storage warehouse, based upon the location of their property at the 600 block of Alton Road. Commissioner Góngora expressed general agreement that storage was needed within the City, but explained that the location adjacent to the flyover was the only area of the CD-2 district he could anticipate being appropriate for self storage. Jack Johnson of the Flamingo Park Neighborhood Association (FPNA) spoke, and requested that the proposal be studied further and a presentation made to the association. Arthur Marcus spoke about how the proposal ran counter to the proposed changes to the Alton Road corridor zoning regulations. Commissioner Góngora asked that the item be continued to permit Mr. Pathman to reach out to the FPNA.

MOTION: Gongora/Libbin (vote 3-0) Continue the matter to July 20th, 2011 LUDC meeting in order to permit Mr. Pathman to meet with the FPNA.

10. DISCUSSION ON THE DE-INTENSIFICATION OF THE I-1 LIGHT INDUSTRIAL DISTRICT.

AFTER-ACTION: DEFERRED

11. (FROM THE LIST OF PENDING ITEMS)

**DISCUSSION REGARDING THE GALE HOTEL HEIGHT LIMITS.
(RETURNING FROM THE MARCH 16, 2011 LUDC MEETING: ALLOW THE PLANNING BOARD AND THE HISTORIC PRESERVATION BOARD TO REVIEW THE MATTER AS A DISCUSSION ITEM, PRIOR TO BRINGING THE MATTER BACK TO THE COMMITTEE. ORIGINALLY REQUESTED BY VICE-MAYOR MICHAEL GONGORA AND COMMISSIONER JONAH WOLFSON, FEBRUARY 9, 2011 CITY COMMISSION MEETING ITEM R9G)**

AFTER-ACTION: Christina Cardello presented their latest version of the proposal for the Gale Hotel, showing the removal of a portion of the robotic parking area, and refinements to the design.

Arthur Marcus, speaking on behalf of the Miami Design Preservation League, expressed concern about the proposed amendment to permit a higher building at this location, and requested that the proposal be denied. Charles Urstadt read from a previous Planning Department staff report to the Historic Preservation Board, expressing opposition to the proposed increase in height.

Russell Galbut, spoke in favor of the proposal, and explained how he was keeping both front and rear facades intact. He expressed that this area should have a 10 story height limit, and that the immediate area was severely distressed. William Cary of the Planning Department explained the historic preservation concerns. Discussion ensued.

The Committee requested that staff look further into the general area, and make suggestions for economic revitalization.

**12. (OLD BUSINESS, NON-AGENDA ITEM)
DISCUSSION REGARDING THE FORMER SOUTH SHORE HOSPITAL SITE.
INFORMATIONAL DISCUSSION**

Russell Galbut presented the latest ideas regarding the subject site. The Committee requested that this discussion be included in the June 6, 2011 agenda.

**13. (FROM THE LIST OF PENDING ITEMS)
SHORT-TERM RENTAL ORDINANCE ENFORCEMENT.
(RETURNING FROM THE MARCH 16, 2011 LUDC MEETING: DIRECT THE CITY ATTORNEY'S OFFICE TO INCLUDE THE PROPOSED LANGUAGE INFORMING BUYERS OF SHORT TERM RENTAL REGULATIONS AND LIMITATIONS IN THE STANDARD "NO-LIEN LETTERS" SENT OUT BY THE CITY, HAVE THE CITY PASS A RESOLUTION OPPOSING STATE LEGISLATION LIBERALIZING SHORT TERM RENTAL RULES, AND TAKE THE MATTER UP AGAIN AT AN UPCOMING COMMITTEE MEETING. ORIGINALLY REQUESTED BY COMMISSIONER JORGE EXPOSITO, JANUARY 19, 2011 CITY COMMISSION MEETING ITEM R9F)**

Eric Harari spoke out in opposition to the implementation of the short-term rental ordinance, with respect to the Building and Fire Codes. The Committee decided to hold a workshop in September.

**14. (FROM THE LIST OF PENDING ITEMS)
DISCUSSION ON THE OCEAN BEACH HISTORIC DISTRICT R-PS4 ZONING AMENDMENT
(REQUESTED BY VICE-MAYOR JONAH WOLFSON
MAY 11, 2011 CITY COMMISSION MEETING ITEM C4B)**

Frank Delvecchio introduced the matter and explained his proposal. Morris Sunshine expressed concern but not opposition. The Legal Department was directed to provide additional research regarding spot zoning and applicability of ordinance. Mayor Bower expressed concern with regards to the historic preservation concerns of the City. The Committee decided to discuss the matter at the June 6, 2011 LUDC meeting as item #2.

Attachment


JMG/JGG/RGL

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LAND USE AND DEVELOPMENT COMMITTEE MEETING

May 18, 2011 @ 4:00 pm

City Manager's Large Conference Room

Attendance Sheet

NAME	CONTACT NUMBER	I WISH TO RECEIVE THE AGENDA ELECTRONICALLY	E-MAIL ADDRESS
1. Marian DelVecchio	305 672 2486		mdelvecchio @ atlanticbb.net
2. Alexandra Deas	305 537 6010	x	alex @ deaslaw.com
3. ERIC HARARI	786 543 4831	x	ERIC HARARI @ GMAIL.COM
4. Andrew Gale	305 673 1234		agale @ columbiamanagement.com
5. Aaron Susman	305 531 1430		aaronlife @ netzero.net
6. Tammy Tibbles	305 531 1430	Yes	+ @ tammytibbles.com
7. Michael Karkin	305 377 6231	Yes	m.karkin @ br2online.com
8. Charles Urstadt	305 498 0077	Yes	Charlie @ Urstadt.com
9. Mark Marcus	305 674 8945	Yes	marcus A @ ballsonline.net
10. Amy Tancig	305 672 2014	Yes	amy @ mdpl.org
11. Maria Nispanferri	305 672 9090	Yes	No @
12. Wendy	305 377 2425	YES	W.PATHMANACI @ PATHMANACI.COM
13. CRISTINA RODRIGUEZ	305 482 8713	YES	CRORRIGUEZ @ ADDINC.COM
14. RACHEL CARDELLO	305 482 8702	YES	RCARDELLO @ ADDINC.COM
15. DAVID ARDITI	305 536 1490	YES	DARDITI @ AGMRE.COM
16. Simon FERRO	305 431 4922	YES	S FERRO @ GSB-LAW.COM
17. Jose Alberto	786 258 1400		Josealberto @ miami beach fl.
18. K. Tigner	x 71010		ktigner @ miamibeachfl.com
19. Robert Santos-Albornoz	60624		robertsantos-albornoz @ miamibeachfl.com
20. Tim Gordon	212 883 0616	yes	+ gordon @ agmre.com

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LAND USE AND DEVELOPMENT COMMITTEE MEETING

May 18, 2011 @ 4:00 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. Joshua Benaim	(917) 940-4154		joshua.benaim@hotmail.com
22. Wm Cary	305 673 7550		wcary@miamibeachfl.gov
23. Debbie Taddatt	"		dtac4e4@miamibeachfl.gov
24. Joyce Meyers	673-7550		jmeyers@miamibeachfl.gov
25. RUSSELL GALBUT	305-573-4127		RGALBUT@CRESCENT451617
26. FRANK DEL VECCIO	305-672-2486		fdelvecchio@atlanticbb.net
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