



COMMISSION MEMORANDUM

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

FROM: Jorge M. Gonzalez, City Manager 

DATE: February 8, 2012

SUBJECT: **REPORT OF THE JANUARY 18, 2012 LAND USE AND DEVELOPMENT COMMITTEE MEETING**

A Land Use and Development Committee meeting was held on January 18, 2012. Members in attendance were Commissioners Wolfson, Exposito and Gongora. 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 4:27 pm.

Commissioner Wolfson nominated Commissioner Góngora as chair of the Committee for the year 2012. It was seconded by Commissioner Expósito. Vote: 3-0

1. a) DISCUSSION OF JURISDICTION OF LAND USE BOARDS OVER APPEALS.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE BY AMENDING CHAPTER 118, "ADMINISTRATIVE AND REVIEW PROCEDURES," ARTICLE II, "BOARDS," DIVISION 2, "PLANNING BOARD," SECTION 118-51, "POWERS AND DUTIES," DIVISION 3, "DESIGN REVIEW BOARD," SECTION 118-71, "POWERS AND DUTIES," DIVISION 4, "HISTORIC PRESERVATION BOARD," SECTION 118-102, "POWERS AND DUTIES," DIVISION 5, "BOARD OF ADJUSTMENT," SECTION 118-136, "POWERS AND DUTIES," TO CLARIFY AND AMEND THE POWERS AND JURISDICTIONS OF THESE LAND USE BOARDS WHEN APPEALS ARE FILED FROM ANY ORDER, REQUIREMENT, DECISION, OR DETERMINATION MADE BY THE PLANNING DIRECTOR OR HIS DESIGNEE, INCLUDING ADMINISTRATIVE DETERMINATIONS, PROVIDING FOR REPEALER; CODIFICATION; SEVERABILITY AND AN EFFECTIVE DATE.

**(RETURNING FROM THE NOVEMBER 21, 2011 LUDC MEETING
ORIGINALLY REQUESTED BY CITY COMMISSION
APRIL 13, 2011 ITEM R9G MOTION #2)**

1. b) DISCUSSION OF PROCEDURES FOR OBTAINING INFORMAL OPINIONS AND FORMAL ADMINISTRATIVE DETERMINATIONS FROM THE PLANNING DIRECTOR.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE BY AMENDING CHAPTER 118,

“ADMINISTRATIVE AND REVIEW PROCEDURES,” BY CREATING A NEW ARTICLE XII, “ADMINISTRATIVE DETERMINATIONS,” SECTIONS 118-801, “INFORMAL OPINIONS,” 118-802, “FORMAL ADMINISTRATIVE DETERMINATIONS,” AND 118-803, “EFFECT OF OPINIONS AND DETERMINATIONS,” TO CLARIFY AND AMEND THE PROCEDURES FOR OBTAINING INFORMAL OPINIONS AND FORMAL ADMINISTRATIVE DETERMINATIONS FROM THE PLANNING DIRECTOR, PROVIDING FOR REPEALER; CODIFICATION; SEVERABILITY AND AN EFFECTIVE DATE.

AFTER-ACTION: DEFERRED

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

AFTER-ACTION: Richard Lorber, Acting Planning Director began by introducing the issue, and Jorge Gomez, Assistant City Manager explained the proposed reductions in parking requirements for small businesses in the Sunset Harbour neighborhood. The Committee discussed what the correct threshold should be for parking reductions, which would encourage neighborhood commercial establishments and discourage destination restaurants and retail. The Committee decided that the reduction should apply to restaurants of 100 seats or less, and up to 3,500 s.f., and retail stores up to 3,500 s.f. The Committee also requested that the Planning Board look at permitting impact fees to be paid for new construction in this district subject to certain thresholds. For Neighborhood Impact Establishment threshold, it was decided by the Committee to permit up to 100 seats and 125 persons occupancy as of right, with any greater intensity requiring Planning Board Conditional Use approval.

The Committee discussed also amending item (11) in Section 1 of the ordinance and change “alcoholic beverage establishments,” to “restaurants with alcoholic license.” They also requested that staff bring back the mechanical garage ordinance, perhaps prohibiting mechanical parking in this district.

MOTION: Góngora/Wolfson – 3-0. Forward ordinance to Planning Board for review with the following criteria:

- Within Sunset Harbour neighborhood, eliminate parking requirements for restaurants of 100 seats or less, and up to 3,500 s.f., and for retail stores up to 3,500 s.f.
- Requirement for Conditional Use for alcoholic beverage establishments greater than 100 restaurant seats or 125 person patron occupancy content.
- Requirement for Conditional Use for main use parking garages in I-1 district.
- Consideration of permitting the satisfaction of required parking through the payment of a fee in-lieu of parking for developments of <10,000 sq. ft. of new construction.
- Also bring back to the LUDC an ordinance addressing the issues associated with parking garages and mechanical parking systems.

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.

AFTER-ACTION: DEFERRED

4. USE OF LEGAL NONCONFORMING COMMERCIAL BUILDING IN SINGLE-FAMILY DISTRICTS.

A RESOLUTION SETTING A FIRST READING PUBLIC HEARING TO CONSIDER AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE BY AMENDING CHAPTER 118, "ADMINISTRATIVE AND REVIEW PROCEDURES," ARTICLE IX, "NONCONFORMANCES," SECTION 118-393 NONCONFORMING USE OF BUILDINGS;" AND CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 2, "RS-1, RS-2, RS-3, RS-4 SINGLE FAMILY RESIDENTIAL DISTRICTS," TO PERMIT AN EXISTING LEGAL NONCONFORMING COMMERCIAL BUILDING TO BE USED AS A CHILD CARE CENTER OR SCHOOL AS A CONDITIONAL USE.

AFTER-ACTION: DEFERRED

5. DISCUSSION REGARDING THE STAY IN APPROVING ANY SIDEWALK CAFÉ PERMITS ON THE DREXEL AVENUE AND 16TH STREET SIDEWALKS IN FRONT OF THE RETAIL SPACES OF THE LINCOLN EAST GARAGE, LOCATED AT 420 LINCOLN ROAD.

AFTER-ACTION: George Kousalis (420 Lincoln Road) introduced the project and showed the Committee a graphic of the sidewalk area adjacent to the subject parking garage. Adam Shedroff read into the record letters from citizens opposed to sidewalk cafes at this location, and showed pictures of residential apartment buildings across the street from the garage. Lucia Dougherty, representing the garage owners, indicated that the Planning Board had already imposed a limitation of 150 seats total, both inside and outside. She proffered that the owners were willing to not install any outdoor speakers at this site. Mr. Kousalis indicated that perhaps 40 seats could be accommodated on the sidewalk area. The Committee discussed the area and what could be accommodated at the site. Nancy Liebman argued against permitting sidewalk cafés near residential areas. Commissioner Góngora recommended that the stay be lifted and the sidewalk café approval be carefully crafted to limit hours and intensity, and perhaps limiting outdoor speakers or outdoor music. Commissioner Exposito and Góngora both inquired of staff why the illegal installation of sidewalk construction and speakers by the Yardbird restaurant at 1600 Lenox has been allowed to continue. Fred Beckmann responded that he will look into enforcement at Yardbird, and requested that the Committee give guidance whether the previously mentioned 40 seats would be OK with the Committee. Mr. Shedroff argued that there should be no outside restaurant seating across from residential.

MOTION: Expósito/Góngora. Vote: 2-0 (Wolfson absent). Have the parties (420 Lincoln Road and Mr. Shedroff) meet together before the February 8, 2012 Commission meeting, and if a consensus cannot be reached, bring back to LUDC.

Attachment
JMG/JGG/RGL

LAND USE AND DEVELOPMENT COMMITTEE MEETING

January 18, 2012 @ 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.	GEORGE KOUSOULAS	202-290-4026	✓	george@block53.com
2.	Matthew Amster	305 374 5300	✓	namster@brzoninglaw.com
3.	LUCIA DOUGHERTY	305 579-0603	✓	DOUGHERTYL @ GTLAW.COM
4.	Lamy's Guerenen	305 581-5220	✓	Lamy's@PLCINV.COM
5.	Scott Needelman	305-710-5584	✓	San1455 @ ATT.NET
6.	Jack Johnson	305-673-1267		jjsobe @ gmail.com
7.	Adam Shedd			@
8.	Adam Sheddoff	786-267-7720	✓	AMS33139 @ YAHOO.COM
9.	Jo Manning	305-538-3270	✓	drmwk @ junco.com
10.	Scott Robins	305-674-0600	✓	SRRobins @ bellsouth.NET
11.	Michael Kaplan	305 374-5300	✓	m/kapn @ brzoninglw.com
12.	Nancy Liebman	305-609-4288	✓	nanlieb @ AOL.COM
13.	Marelin Kreundlich		✓	mefREUNDLICH@gmail.com
14.	M. Lanzetta	x 6197		M.Lanzetta @ miami beach/fla
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