



## COMMISSION MEMORANDUM

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

FROM: Jorge M. Gonzalez, City Manager 

DATE: March 21, 2012

SUBJECT: **REPORT OF THE FEBRUARY 15, 2012 LAND USE AND DEVELOPMENT COMMITTEE MEETING**

A Land Use and Development Committee meeting was held on February 15, 2012. Members in attendance were Commissioners Wolfson, Libbin 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 4:10 pm.

### 1. ELECTION OF CHAIR AND VICE-CHAIR

**MOTION:** Wolfson/Libbin – 3-0: Michael Góngora as Chair.

**MOTION:** Libbin/Gongora – 3-0: Jonah Wolfson as Vice-Chair.

2. **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 118-53, "COMPOSITION;" DIVISION 3, "DESIGN REVIEW BOARD," SECTION 118-72, "MEMBERSHIP;" DIVISION 4, "HISTORIC PRESERVATION BOARD," SECTION 118-103, "MEMBERSHIP;" AND 118-104, "APPOINTMENT;" DIVISION 5, "BOARD OF ADJUSTMENT," SECTION 118-131, "MEMBERSHIP," TO CLARIFY THE QUALIFICATIONS AND CATEGORIES OF MEMBERS TO BE APPOINTED TO THE CITY'S LAND USE BOARDS; PROVIDING FOR REPEALER; CODIFICATION; SEVERABILITY AND AN EFFECTIVE DATE.**

**(RETURNING FROM THE OCTOBER 25, 2011 PLANNING BOARD MEETING, ORIGINALLY REQUESTED BY CITY COMMISSION JANUARY 28, 2009, ITEM C4H)**

**AFTER-ACTION:** Richard Lorber introduced the item and explained that it clarified and broadened the categories and qualifications of the members of the four Land Use Boards. Henry Stolar spoke. Gary Appel, Charlie Urstadt and Nancy Liebman spoke regarding the Miami Dade Preservation League role on the Historic Preservation Board. The Committee went through each of the four Boards and discussed minor changes, as follows: Historic Preservation Board: broaden Attorney licensed in Florida to licensed in the U.S.; Planning Board: no change; Design Review Board: add to category IV "or resident with interest or background in design issues; and Board of Adjustment: delete

proposed change defining Financial Consultant, keep attorney licensed in the State of Florida to conform with the City Charter.

**MOTION:** Wolfson/Libbin (3-0). Move ordinance to Commission with changes referenced above.

**3. DISCUSSION ON THE PARKING REQUIREMENT AND HOW WE CAN INCENTIVIZE FOR GOOD HOTEL DEVELOPMENT.**

**(RETURNING FROM THE SEPTEMBER 21, 2011 LUDC MEETING  
ORIGINALLY REQUESTED BY COMMISSIONER JONAH WOLFSON  
FEBRUARY 9, 2011 CITY COMMISSION MEETING, ITEM C4C)**

**AFTER-ACTION:** Deferred to the March 28, 2012 meeting.

**4. 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.**

**(DEFERRED FROM THE JANUARY 18, 2012 LUDC MEETING  
ORIGINALLY REQUESTED BY CITY COMMISSION  
APRIL 13, 2011 ITEM R9G MOTION #2)**

**AFTER-ACTION:** Item was not reached.

**4. 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.**

**(DEFERRED FROM THE JANUARY 18, 2012 LUDC MEETING  
REQUESTED BY CITY COMMISSION APRIL 13, 2011  
ITEM C4E & R9G MOTION #3)**

**AFTER-ACTION: Item was not reached.**

- 5. 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.**

**(DEFERRED FROM THE JANUARY 18, 2012 LUDC MEETING  
ORIGINALLY REQUESTED BY COMMISSIONER JORGE R. EXPOSITO  
OCTOBER 19, 2011 CITY COMMISSION MEETING ITEM C4L)**

**AFTER-ACTION: DEFERRED**

- 6. 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.**

**(DEFERRED FROM THE JANUARY 18, 2012 LUDC MEETING  
ORIGINALLY REQUESTED BY CITY COMMISSION  
OCTOBER 19, 2011 CITY COMMISSION MEETING ITEM C7M)**

**AFTER-ACTION: Deferred to the March 28, 2012 meeting.**

7. **DISCUSSION REGARDING SIDEWALK CAFÉ PERMITS ON THE DREXEL AVENUE AND 16<sup>TH</sup> STREET SIDEWALKS IN FRONT OF THE RETAIL SPACES OF THE PARK @ 420 GARAGE, LOCATED AT THE CORNER OF 16<sup>TH</sup> STREET & DREXEL AVE.**  
**(RETURNING FROM THE JANUARY 18, 2012 LUDC MEETING  
ORIGINALLY REQUESTED BY CITY COMMISSION  
OCTOBER 19, 2011 CITY COMMISSION MEETING ITEM R7C)**

**AFTER-ACTION:** Jorge Gomez explained the issue and described the meeting held between the property owner's representatives and Mr. Shedroff, the issues discussed, and the lack of consensus between the two parties. Commissioner Wolfson asked about the situation with the sidewalk width and whether it was properly permitted. Lucia Dougherty and George Kousoulas on behalf of the property owner explained their understanding of the sidewalk width issue. The Committee discussed the matter of the sidewalk café, and whether the City had plans to widen the sidewalk along Drexel Avenue. Adam Shedroff spoke against having a sidewalk café in that location. Nancy Leibman, Arthur Marcus, Jo Manning, and Jane Losson spoke against sidewalk cafes at this location. The Committee discussed the matter and tried to balance the issue of sidewalk cafes near residential areas with the fact that this is commercial zoning and no other commercial area is limited in a similar manner.

**MOTION:** Libbin/Wolfson (3-0) Move to lift the stay on sidewalk café subject to the actual sidewalk café application for the subject building being presented to the Land Use Committee for final review and approval.

*\*See associated Resolution provided under separate cover in Commission agenda.*

8. **DISCUSSION OF AN ORDINANCE ESTABLISHING THE MIAMI BEACH ENERGY ECONOMIC DEVELOPMENT ZONE.**  
**(REQUESTED BY CITY COMMISSION  
FEBRUARY 8, 2012 CITY COMMISSION MEETING, ITEM R5F)**

**AFTER-ACTION:** Kevin Crowder explained the matter to the Committee, and discussed the eligibility criteria, which should be as broad as possible, and include both rehab and new construction. The process should be competitive, rather than first come/first served.

**MOTION:** Wolfson/Góngora (2-0) Approve the ordinance.

Attachment

JMG/JCG/RGL

LAND USE AND DEVELOPMENT COMMITTEE MEETING

February 15, 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. LEVY Nelly	305 331 4805 8595	nellylevy@yahoo.fr	nellylevy@yahoo.fr
2. Jane Stukasius	305-532-7915	Emerges32@yahoo.com	→ @
3. NINA WEBER WIRTH	305-532-1145	NINANEVANU@gmail.com	@
4. DON WIRTH	305-532-1145	DONTONTON@gmail.com	@
5. Marcia Anderson	305-298-9205	ma@heritageconstruction.com	@
6. Becky Matkov	305-358-9572	dadeheritage(9)DHT.comcastbiz.net	@
7. Cindy Pruitt	305-443-9793	J.Pruitt3rd@aol.com	→ @
8. Wendy Kallers	305 531-3553	wkallers@gmbha.com	→ @
9. Chris Collins	305-772-4672	chris.collins@southbeachgroup.com	@
10. James Meyers	305 673-7550	jmeyers@miamibeachfl.gov	@
11. Guy Amaly	305 576 0033	gannal@taxadjuster.net	→ @
12. Henry Stoker	305-673-8170	hennystok@bellsouth.net	@
13. KOVIN CRAWLER	673-7010		@
14. Jack Johnson	673-1267		@
15. RICHARD TOWERS	(718) 921-0027	RWT718@gmail.com	@
16. Scott Needelman	305-710-5584	✓	SRN1455 @ ATT.NET
17. Adam Shedroff	786-267-7720	✓	AMS33139 @ YAHOO.COM
18. Jane Losson	305, 924, 0262	jlosson@yahoo.com	@
19. Nancy Lieberman	305-609-4288	N.Lieberman	nanlieb @ AOL.COM
20. Charles Urstadt	305-586-0077	CUrstadt	Charlie @ Urstadt.com

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21. Jane Dee Gross 305 535 2900 jdgross@hotmail.com

LAND USE AND DEVELOPMENT COMMITTEE MEETING

February 15, 2012 @ 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.	Jo Manning	305-538-3270	yes	drmwk @ juno.com
22.	Marian Del Vecchio	305-672-2486	yes	mdelvecchio @ atlanticbb.net
23.	ARTHUR MARCUS	305-674-8995	yes	marcus_A @ bristolmail.net
24.	Clotilde Luce	" 538 6701	Yes	clluce @ " "
25.	FRANK DEL VECCHIO	305-672-2486	yes	fdelvecchio @ atlanticbb.net
26.	Lois Randall	305 4508259	no	lois.randall1 @ AOL.com
27.	Phyllis Sperling	646-468-2200	yes	phyllis.sperling @ gmail.com
28.	HERMAN SANDS	646-512-1995	NO	herman.sands @ gmail.com
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