

City of Coral Gables City Commission Meeting
Virtual Meeting
Agenda Item F-4
July 14, 2020
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Raul Valdes-Fauli
Vice Mayor Vince Lago
Commissioner Jorge Fors, Jr.
Commissioner Pat Keon
Commissioner Michael Mena

City Staff

City Manager, Peter Iglesias
City Attorney, Miriam Ramos
City Clerk, Billy Urquia
Asst. Development Director, Devin Cejas

Public Speaker(s)

Agenda Item F-4

An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code, by amending Article 4, “Zoning Districts ,” Section 4-402, “Prohibited uses, certain streets,” Article 5, “Development Standards,” Division 7 “Distance Requirements,” and Article 8, “Definitions,” to create provisions and clarity for retail vape shops, providing for repealer provision, severability clause, codification, and providing for an effective date. (02-12-2020 PZB recommended approval, Vote 7-0)

Vice Mayor Lago: Let’s move on to Item F-4.

City Attorney Ramos: Item F-4 is an Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code, by amending Article 4, “Zoning Districts ,” Section 4-402, “Prohibited uses, certain streets,” Article 5, “Development Standards,” Division 7 “Distance Requirements,” and Article 8, “Definitions,” to
City Commission Meeting
July 14, 2020

create provisions and clarity for retail vape shops, providing for repealer provision, severability clause, codification, and providing for an effective date. This is an Ordinance on First Reading. The last time this item came before the Commission, the Commission directed staff to go back and forth different regulations. I will turn it over to Ms. Cejas to explain what they have done.

Vice Mayor Lago: Mr. Cejas.

Assistant Director Cejas: Hello, yes, this is an ordinance that provides for guidelines on how to establish retail vape shops within the City of Coral Gables. Essentially, we have listened to your concerns and we have made some minor amendments, but we are still planning on applying distance requirements to a vape shop, but at this time it is from a school. The distance before was (inaudible) and like-kind establishments and at this time we looked at where we were with the ordinance and feel that limiting it from just the schools is appropriate and we also are aligning additional restrictions of where these establishments will take place from our retail strategy plan which will prohibit these uses along Miracle Mile, Giralda and the stretch along Ponce de Leon as well as Aragon. Aside from that, or retail... (Inaudible)... vape shop and incremented elsewhere in the City. In addition, I have attached a map where I can show you where these establishments can open up, and with that I open it up for any questions.

Vice Mayor Lago: Mr. Cejas, you know we have had this discussion on multiple occasions on, and I remember, I think one of my colleagues had brought up the fact, why are we restricting it on Miracle Mile and on Giralda. And, I want to kind of get your opinion, or staff's opinion in regard to why they wanted to insist on... Because my opinion has changed. I was a little bit concerned, and I was more of the belief that maybe we should restrict it to Miracle Mile and certain areas on Ponce. Obviously, restricting it anywhere located near a school, but what is the reasoning behind that, what is the advice you can give the Commission.

Assistant Director Cejas: I think it would be more from staff's point of view there is a retail strategic plan that Economic Development has worked on in the past that has provided guidance to our department, as well as Economic Development Department on what type of establishments we wish to see along Miracle Mile. So...

Vice Mayor Lago: So, it is not an aesthetic issue, and I apologize for interrupting you, it's more of a retail strategy?

Assistant Director Cejas: From my understanding, yes. That's what we have got here.

Mayor Valdes-Fauli: Retail strategy, but we have so many people on Miracle Mile, and kids and ice cream shops, and whatever that I think the restriction is appropriate. And, they can go anywhere else in the City, they can go two blocks away.

Commissioner Mean: Yea, so, Vice Mayor Lago, I think I was the one who brought that up at the prior meeting. I appreciate the change as to only be the distancing from the schools. I still don't agree with limiting it on Miracle Mile, Giralda and Ponce.

*City Commission Meeting
July 14, 2020*

Vice Mayor Lago: Yeah... (Inaudible).

Commissioner Mena: Have you, and I believe our goal is to be as limited as possible. I don't you know; I don't see any outstanding to limit it in those areas. I understand there is a retail plan, but we don't own this property, there are owners of this property, there are landlords who may be looking for tenants. I don't think we should be interfering with what they can and can't bring in unless there is some safety or security issue, which I really don't agree that there is, and I don't think to the extent was, and I mentioned this the last time. I don't subscribe to the theory that say if you don't allow it on Miracle Mile, you will allow it right around the corner on Salzedo. You are not accomplishing anything other than sort of optics, you know and so, I don't want to prejudice the owners of the property on those corridors from being able to find a legitimate tenant that would otherwise be allowed to be, you know, maybe 50 feet away potentially anyway. So one of the other things we had talked about as an alternative to that last time was, in addition to the 500 foot requirement from schools, which I think everybody else is fine with, I think, I am good with just having that frankly, but if some people want to add some limitation in how close one store can be to the same type of store, you know between each other, I have seen that done before. But, then again, I don't see why... I don't think we should continue treating Miracle Mile, Giralda and Ponce as something that we should be dictating retail on I think that for marketing to determine.

Mayor Valdes-Fauli: I think vaping is bad for your health and with as many kids that we hope to have, with ice cream shops and everything else, pizza places in Miracle Mile, I think that we should, in order to keep it away from kids, we should ban it from Miracle Mile period, and that's my opinion. This is a public hearing, anyone, public wants to comment on Zoom? Okay, public comments on the phone? Mr. Urquia, or eComents?

City Clerk Urquia: No one has requested to speak or sent in emails, Mr. Mayor.

Mayor Valdes-Fauli: Okay, do I hear a motion? Motion?

Commissioner Mena: I would move it. I would make a motion to amend it and exclude the limitations on Miracle Mile, Giralda and Ponce and only leave the limitation with respect to use. (inaudible).

Vice Mayor Lago: And, I would second that motion.

Mayor Valdes-Fauli: Alright, will you call the roll? Billy?

Commissioner Fors: Yes.

Commissioner Keon: Yes.

Vice Mayor Lago: Yes.

*City Commission Meeting
July 14, 2020*

Commissioner Mena: Yes.

Mayor Valdes-Fauli: No. Thank you.

City Attorney Ramos: Mayor, before we move on from this item, we have a Zoning In Progress for regulation of CBD stores differently than general retail, and so it is a good time for staff, it expires August 25th, which is the date of our next Commission meeting that if we could for a minute have the Commission give staff some direction on whether you would like to see some regulations come back, whether you would like to see the Zoning In Progress expire, and treat these stores as general retail, or you know, whether or not you want to see them treated as vape, you know, just some direction to staff.

Commissioner Mena: I would say, treat it just as vape, but...

Commissioner Fors: I agree with that.

Commissioner Keon: You know, I would like you to have the discussion with the BID, you know the BID and Economic Development. Both are looking at (inaudible) studies and... (Inaudible) and they are looking at... (Inaudible). I mean for those areas that are the BID, you know I don't think that would affect any things they are going to have on, on anything else. I did go into the vape store that is opened on Merrick Way, and you know, I don't feel like, that's nothing. It's the only time that I have ever been in one so... (laughing), I think the guy thought that I was from the government, I asked him so many questions, but... So, I don't really care. I just know that they do have a plan and they are working on a retail plan; you know for the Mile. So, you know, with all the other things, I would like to give them the opportunity to have some input into this as it relates to their retail plan, and then make a decision on it with regard to this CBD oils and everything else. And knowing that the CBD oils, you know all those don't have the hallucinogenic element in them, where they have been grown and manufactured and processed and produced (inaudible) onto the public and we have done like a ... it's not a pot shop, you now it's a different thing. So, but I would like their input, maybe before I make that decision. So, maybe we could ask to come back in August, unless somebody wants it done right today.

City Attorney Ramos: No, they need to come back in August. Commissioner, we don't have an ordinance drafted, I just want to get, give staff some recommendations from the Commissioners what you all would like to see.

Commissioner Keon: My feeling is, I really would like the input from the BID and from Economic Development on that, since it is treated separately, the Mile, Giralda are treated separately from other streets within the City by nature of the BID.

Vice Mayor Lago: So, Miriam, as the appointment for the BID for the Commission, we have, I believe Julian Perez is on the line, and we have a meeting tomorrow morning, I think it is at 8:30. So, we can always bring it up and get their input and guidance which I think is a good idea, and

*City Commission Meeting
July 14, 2020*

we can come back. Do we need to get the Commission's approval to extend it one month? What is the deadline that you have?

City Attorney Ramos: No, it is not until August 25th, So, instead of what staff can do is work on the first reading for August 25th instead of extending the ZIP, and then Julian can report back to Devin after the meeting tomorrow regarding on the thoughts from the BID (phonetic), then that would be helpful.

Vice Mayor Lago: Yeah, and I am also again., I think whenever I have encountered these stores, I think they have one in South Miami, you can barely tell from the outside unless there is some sort of marijuana paraphernalia, but maybe we can tighten-up the restriction with regard to the aesthetic, the outward looking façade of the store front. It that's really an issue.

Mayor Valdes-Fauli: Alright, anybody else? Okay, shall we go on to the next item?