

City of Coral Gables City Commission Meeting
Agenda Items E-5 and E-6
June 10, 2014
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Jim Cason

Vice Mayor William H. Kerdyk, Jr.

Commissioner Pat Keon

Commissioner Vince Lago

Commissioner Frank Quesada

City Staff

Interim City Manager, Carmen Olazabal

City Attorney, Craig E. Leen

City Clerk, Walter J. Foeman

Deputy City Clerk, Billy Urquia

Planning and Zoning Director, Ramon Trias

Public Speaker(s)

E-5 and E-6 [Start: 4:25:08 p.m.]

E-5: Zoning Code Text Amendment. An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code, Article 4, "Zoning Districts", Division 1, "Residential Districts", Section 4-102, "Multi-Family 1 Duplex (MF1) District", by adding townhouse/row houses as a conditional use within an MF1 zoning district, and establishing development standards for such MF1 uses; providing for severability, repealer, codification and an effective date. (Items E-5 through E-6 are related and will be continued to July 22, 2014).

E-6: Comprehensive Plan Text Amendment. An Ordinance of the City Commission of Coral Gables, Florida requesting an amendment to the text of the City of Coral Gables Comprehensive Plan, Future Land Use Element, Policy FLU-1.1.2, "Table FLU-1. Residential Land Uses", pursuant to large scale

amendment procedures subject to ss. 163.3184 as amended, Florida Statutes, amending the maximum density permitted for the Land Use Classification “Multi-Family Duplex Density” from nine (9) units per acre to eighteen (18) units per acre; providing for severability, repealer, codification and an effective date. (Items E-5 through E-6 are related and will be continued to July 22, 2014).

Mayor Cason: Before we go to the police, I think the last Agenda Item is Commissioner Keon wanted to go back and look at E-7...

Commissioner Keon: E-5 and E-6.

Mayor Cason: Was it 5 and 6?- E-5 and E-6.

Commissioner Keon: This item, 5 and 6 deals with this townhouse ordinance and the text amendment that would allow it in the duplex zoning areas. It was interesting to me when I spoke with our staff, Ramon and Charles Wu, how this text amendment came about and it didn't originate with staff, and how there really wasn't much public input, not originating with staff, was there public input?- was there before it went to the Board?- and he was told that they were directed by the former City Manager to send it to the Planning and Zoning Board. So they did as they were directed. I had concerns that I shared with them and they agreed with those concerns. Part of it is when we rewrote the Zoning Code; we rewrote the Zoning Code because one of the issues we dealt with was height and height limitations. If you look along particularly along LeJeune, this then – because it's in duplex it would go along LeJeune, Segovia and Ponce, and in all of those areas they are next to single family residential districts and the height requirements in those districts, I think, are 29 feet, and townhouses according to the ordinance are 35 feet. So what you are doing is you are now allowing, we work to decrease the heights, you are increasing the heights, because the duplexes are the same height, they are 29, so you are adding additional height. The biggest issues that are the most glaring issues for me are the setback requirements; the setback requirements for this area are 20 to 25 feet, the townhouses would now be 5 feet. There isn't any place else in the residential areas of the City where we have setbacks that keep moving. You know the setbacks are pretty defined in our Code, so this would really affect the setback requirement, it would...the setback requirements, it affects the height requirements. The other issue is mostly these lots, they are 100 foot deep. In order to put a townhouse here, if you were then to respect the setback requirement and go back 20 or 25 feet, and you allow for the 25 rear setback that creates the alley and the parking. You have 50 feet left of buildable lot that you can construct, and then about 20 feet of that would be a garage, so you would have about 30 feet left of footprint for the first floor anyway, and then you would have to build over it. I think the townhouses are a beautiful element, it's a great building, but I think that these particular boulevards in Segovia, LeJeune, and Ponce are very significant streets in our City. I really would

like to table this amendment until staff can take a look at these streets; these streets, the homes and the buildings on them they are older and people are buying them up. They may be right for redevelopment, there may be something that belongs there that would be more appropriate than it is, but I wouldn't like to see us just apply one building type. You know whatever, and then continue with the duplexes and go back and forth. I really would like staff to have the opportunity to really look at these streets. One with the development of the Agave Project, I think it gives us a real opportunity to look at Ponce because we are looking at possibly some form of zoning for that project and so there maybe – on Ponce it really is from that project going south to Bird Road. That's the extent for what that is, so that maybe could be looked at in relation to Agave's project. LeJeune is really cuts right through our City and it has become, it's not a particularly attractive site, road. When they widen the road and they took out the swales it really changed how that street and how that road look, and so we may find that there may be some development along that strip of LeJeune and it's really south of the CBD (Central Business District) down to Bird Road. Maybe we could ask them to look at that and how do we treat that strip and deal with the issues of how it...the residential area, but better improves the aesthetics of that street, and I think someone had said, you know because there is no swale. You might be able to work with homeowners with regard to putting trees actually on their property that you make that offering to them to create a canopy along there, because we can't, because we don't have the room to do it. I don't know what's involved in that, but it's something that they can look at; and particularly Segovia was initially designed sort of followed the big homes or whatever that was on Granada to create that look of very large homes that were far more affordable because they were two homes instead of one, but it gave you that specs. So that was in the initial planning of the City, that was the consideration. So I would hate now to see us and it's really the setback requirement that I have the most concern with as well as the height, because they really do violate what existed in our Code for that area.

Commissioner Quesada: You have just hit a lot of points and I haven't even seen the text amendment. I don't know if the rest of you have.

Vice Mayor Kerdyk: I haven't studied it but I got the drift of.

Commissioner Quesada: We've heard because people have been discussing it, but I wish I could engage you in more lively discussions.

Commissioner Keon: I would ask Ramon maybe to just confirm that, that is what that text amendment would do or not do, but I'd like him to study it and then to bring it back.

Commissioner Quesada: OK. Study is fine, I have no problem with that, but the problem is I don't want to get into substance because I was contacted by a number of residents in the area and

because the agenda said it was continued. I said we wouldn't be discussing it, so I would hate to have a substantive discussion.

City Attorney Leen: The matter by staff was continued; staff wasn't going to go forward with it. So what that means is that you can consider it at your next meeting. Now it's perfectly permissible for you to table it, but that's different from continuing. If you table it, it would have to be put back on at a future date so that will take an affirmative notice from the City. It would not be a continued item, and it might never come back.

Commissioner Keon: I don't mind bringing it or if you want to let it go. My preference would be to table it until there is an opportunity for staff to look at it. To really to look at those corridors, more than not just that text amendment, but those corridors because they are very, very important to the aesthetics of our City.

Commissioner Quesada: Has staff not looked at it?

Mayor Cason: Ramon were you not there?

Mr. Trias: Yes, staff has reviewed it and my recommendation at this point is, there were two things that could be done better. One of them is that we need more public input, which we never had as a typical way of doing things; and the other one is, I do think that there are three distinct areas that this applies to, which is what the Commissioner was talking about, which is Ponce, LeJeune, and then of course Segovia, and those may have required slightly different approaches and I would prefer that the public, that the residents around the area give us some ideas on that so we can bring a better recommendation to you.

Mayor Cason: Again, we are in the summer, so ideally we'll have meetings when people are around.

Vice Mayor Kerdyk: Yes, I agree with that. I don't see it happening in July, let's just start with that.

Commissioner Keon: That's why we could table it, let staff do their staff work on it over the course of the summer and have a public meeting in September, because my problem with it is that continue, continue, continue, it is not to dismiss it. I think it certainly can come back, but I would like it to have, I'd like staff to take a look at it, I'd like there to be public input, and I really think each of those corridors is different and serves a different aesthetic in our City and we have good planners on our staff and they have the ability to bring in other good planners, so that we can have some real urban planning and we are not just reacting, so it's not to – in tabling it is

not to bury it, it is to give them adequate time to look at it, adequate time to have the public input that needs to be brought into it, and then take a look at it with all those things considered and make a decision.

Commissioner Quesada: When you say public input, you are saying in addition to a City Commission meeting, what does that mean?- does that mean a workshop?- what does that mean?

Mr. Trias: A workshop where there is an opportunity for informal discussion and creative solutions.

Commissioner Quesada: Is that typical for a text amendment?

Mr. Trias: That's what I've done all throughout my career, yes.

Commissioner Quesada: Is that typical for Coral Gables for a text amendment? I just want to know what was done properly or improperly.

Commissioner Keon: I think it's an unusual text amendment for Coral Gables, it's a very unusual text amendment, in our five years it's a very unusual way.

Mr. Trias: We have followed the rules that we have. What I'm recommending is in a City as involved and as well designed as Coral Gables we have a higher standard of input and it probably would be a good idea to have workshops and let the different areas, the people who are interested in those three different conditions give some input. I think that would...

Mayor Cason: And how do you tie in – we've already had the Planning and Zoning already voted on, I don't know what the vote was, but do we go back to them afterwards or is it finished.

Vice Mayor Kerdyk: It could be remanded back.

Mayor Cason: Remanded back after the discussion groups.

Mr. Trias: It's up to the Commission, certainly that could happen or not. At the very least I think that there has been an interest on the part of some people to provide input. I think that that's valid and I think we should listen to them and then take it from there.

City Attorney Leen: If I could suggest something. What you could do is defer the item since you are giving instructions to staff to take another look at it and have a workshop, so I'd probably defer it until they are done with that and come back to you, at that point you can determine

whether you would want to remand it or decide it yourself. If I may, I'd like to say one other thing though just for purposes of the record. There has been a lot of correspondence and debate among the public about this process, but I did want to say something. There is a member of the Planning and Zoning Board who voted on the item and there has been some debate over whether he should. I wanted to make it clear that, that individual did come to the City Attorney and I gave an opinion and that opinion was based on an opinion I received on what voting conflicts exist. An opinion discussing the law of voting conflicts from Robert Meyers, who is the former Executive Director of the Commission on Ethics, and basically what that opinion says is that, whenever you are looking – this is a legislative item, it's basically a change in the law. It's not quasi-judicial, doesn't relate to one site, it relates to every parcel that's zoned in this way in the City of Coral Gables, so its legislative. When you have a legislative item and you are determining whether someone can vote on it, even if that person may have an interest in the outcome, they may care about what happens. They may even plan to do a development where that might benefit, and we do have a lot of developers on our Boards in Coral Gables and we allow that. In fact we want them to be on our Boards, and a lot of the stuff they vote on may affect them in some way. The test that we look at is whether they are uniquely benefited and that test has been interpreted the same way as the state size of the class test. So basically, what you look at is whether the entire community or a large group of property owners or businesses are or could be affected by the vote and if so, it does not give rise to a voting conflict on a legislative matter. This was a legislative matter. So, I've given an opinion and nothing unethical occurred here at all. Now there is a separate question as to whether there should be more of a workshop, that's discretionary. The Commission has spoken on that. That's going to occur and in my mind that resolves the issue. I will be responding to any e-mails you receive over the next few days just to let people know of my view, but in my view nothing unethical at all has happened here and I just want to make that clear.

Commissioner Keon: I don't think so either and I didn't bring it up for that reason at all because I think everyone did what everyone involved in this between the member of the Board. This Commission, I think everyone acted most ethically and asked for opinions and has, so it cast no dispersion on anyone individually involved in this process. It is because of the citywide effect that this will have and because there are so many conflicts with the Code. With this amendment and the Code that I would really like them to look at it much further so that when it comes back with the information all of the information you need. We can make a decision, because I think right now I don't know that you can, so I'd like to defer it until staff really takes a look at it and we can talk about that and you can talk to each of the Commissioners about that, and then you can tell us when you are ready and it will come back on the agenda.

Mayor Cason: Who wants to make that motion?

Commissioner Keon: I will.

Commissioner Lago: I'll second.

Mayor Cason: Commissioner Keon makes the motion and Commissioner Lago seconded first.

City Clerk

Vice Mayor Kerdyk: Yes

Commissioner Lago: Yes

Commissioner Quesada: Yes

Commissioner Keon: Yes

Mayor Cason: Yes

(Vote: 5-0)

[End: 4:40:06 p.m.]