

City of Coral Gables City Commission Meeting
Agenda Item E-3
February 27, 2024
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Vince Lago

Vice Mayor Rhonda Anderson

Commissioner Melissa Castro

Commissioner Ariel Fernandez

Commissioner Kirk Menendez

City Staff

City Attorney, Cristina Suárez

Interim City Manager, Alberto N. Parjus

City Clerk, Billy Urquia

Public Speaker(s)

Laura Russo

Rafael Portuondo

Kenneth Damas

Agenda Item E-3 [10:45 a.m.]

An Ordinance of the City Commission providing for a text amendment to Appendix A “Site Specific Zoning Regulations,” Section A-94 “Snapper Creek Lakes” of the City of Coral Gables Official Zoning Code to include all types of accessory uses in the rear yard ground coverage calculation, to remove outdated Section A-94-2, and to provide consistency with the Snapper Creek Lakes' protective covenants by increasing various setbacks; providing for severability clause, repealer provision, codification, and providing for an effective date. (01 10 24 PZB - Motion to approve as presented by the applicant, Vote 6-0) Lobbyist: Laura Russo

Mayor Lago: Moving onto item E-3, 10:30 time certain.

City Attorney Suarez: E-3 is an Ordinance of the City Commission providing for a text amendment to Appendix A “Site Specific Zoning Regulations,” Section A-94 “Snapper Creek Lakes” of the

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City of Coral Gables Official Zoning Code to include all types of accessory uses in the rear yard ground coverage calculation, to remove outdated Section A-94-2, and to provide consistency with the Snapper Creek Lakes' protective covenants by increasing various setbacks; providing for severability clause, repealer provision, codification, and providing for an effective date. This is a public hearing item.

Mayor Lago: Ms. Russo, welcome back.

Ms. Russo: Thank you. Good morning, Mr. Mayor, members of the Commission. For the record, Laura Russo, with offices at 2334 Ponce de Leon Boulevard. I am here this morning representing Snapper Creek Lakes Homeowners Association. I have with me here today, Mr. Ed Williamson, a long-time resident of Snapper Creek Lakes neighborhood, along with Don Fine, who is a member of the Board of Directors and Heather Quinlan, who is the Dock Master, as well as the administrator of the Homeowners Association. We are here this morning to request a text amendment to the site-specific section of the zoning code entitled, "Snapper Creek Lakes." So, the amendments we are requesting are to have those site specifics that spell out setbacks for main buildings, setbacks for accessory uses, etc., to match our protective covenants. While that section is different from other parts of the zoning code, the Snapper Creek protective covenants are more restrictive than even the site-specific. As an example, the front setback is 50, not 25 feet. A side street setback is 50, and in the site-specific they are listed at 30. So, what we wanted to do is clarify and just have them be equal to the protective covenants which is something that Gables Estates has, Coco Plum has, Journeys End, their protective covenants are embodied in the site-specific section of the zoning code. Another change in the text amendment was just to clarify in the marina portion of the property, there was a typo, the number of slips and docks are the same. It's just one had one extra, and one had one minus, so it's a typo correction. The other change is to specify that accessory uses are uses listed in the Coral Gables Zoning Code. So, a little bit of background. Snapper Creek Lakes was established in 1955. It is one of three neighborhoods that was annexed into the City of Coral Gables in 1996. Of the three, it is the only one that has protective covenants. That means that when someone buys property in that area, they voluntarily agree to be subject to the rules and regulations that might be and usually more restrictive than in the rest of the city. At the time in 1997, the city passed an ordinance setting forth the site specifics, specifically for Snapper Creek Lakes and in that ordinance, it recognized the unique character of Snapper Creek, the lush landscaping, the changing topography, and the classic contemporary architecture, which is very different from a lot of portions of Coral Gables. And so, this ordinance then became embodied into the site specifics. The reason we are here, because I want to say prior to Covid, there were no issues, and I think Covid caused a lot of issues just in general on how things were done and the homeowners association started noticing that plans were being approved by the Zoning Department that did not meet the zoning code and they were catching it and they were also catching some things that did not meet the protective covenant setbacks. And so, the HOA Administrator, Heather and myself set up a meeting with the Development Services Director, Zoning and the City Architect, because the City Architect was being blamed for everything. And so, we sat down and figured that the best way to address this would be to incorporate the actual setbacks into the site specifics, so that if someone went to look at Snapper Creek, they would see it there; and to clarify that the rest of the zoning code that was not mentioned there would be in

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effect. And for example, that pertains to the accessory uses. As with all text amendments or all legislation, notice was sent to residents within Snapper Creek, but also to residents within 1,000 feet outside of Snapper Creek and that's within the city, and 500 feet outside the city limits. We held a neighborhood meeting at the Snapper Creek Marina in a room they have, and we had mostly residents from outside of Snapper Creek who were very concerned that the changes might be made to their site specifics. And we assured them that was not the case, that this was strictly for the residents of Snapper Creek. The Board of Governors of Snapper Creek voted on pursuing this text amendment and in an abundance of caution an email was sent to all the residents of Snapper Creek and we got separate emails from them acknowledging their support for the amendment. And I have copies here that I can give to the Clerk which show all the houses that responded saying that they weren't in favor. Just to give you an idea. This is over 70 percent in favor of the text amendments. You are going to hear in a few minutes from a property owner who has an issue with the homeowner's association, and I want to make it clear that that has nothing to do with what we are doing here. The issue with that homeowner and this goes to the accessory structures that I was talking about before. The section of the – the zoning code of Coral Gables lists accessory uses in a single-family zone. They are allowed to have a gazebo; you are allowed to have a cabana. If you are over an acre and-a-half, you can have a guest house. They are all limited in size. And in Snapper Creek, there is a restriction. They have a much smaller footprint, which is something that they brought with them. They are only allowed a 15 percent lot coverage versus the rest of Coral Gables has 35 percent lot coverage. They have five percent rear yard coverage that you are allowed to have, while the rest of Coral Gables has ten percent of your entire lot. So, the rest of Coral Gables, except in site specific areas, can have 40 percent lot coverage. In Snapper Creek it's 15 percent and then 5 percent of your rear yard, not your whole yard. And since the annexation in 1997, swimming pools were included in that calculation, and that was from 97 until approximately 2013, when an architect wrote a letter to Dade County wanting to know whether or not pools had been counted when they were in the county. The zoning official for the county responded saying that when the properties were part of Dade County, pools did not count. And at that time, Martha Salazar Blanco was the Zoning Administrator, and she was copied. Later on, that letter was given to staff, and they were instructed that if a pool was being proposed in one of the three annexed areas that pools would not count as part of that rear setback. In Snapper Creek, pools were counted despite that fact. In fact, I've worked with Snapper Creek since 2007 on their zoning issues and never knew about the existence of that letter. So, you are going to hear from someone who thinks that the changes that we are making with respect to the pools is to stop them from doing what he's doing. That is not the case. It's to make it clear for people in the future so there can be no misunderstanding. This is what it has been from 97 to 2013, and we know that pools have been counted in Snapper Creek since then. We have no issue if the other two sub-divisions don't want to count pools, because they weren't counted in Dade County. Dade County also allowed wooden fences. We don't allow wooden fences. The residents of Snapper Creek wanted what was best in Dade County, which was the small lot coverage, and they want what's the best of the zoning code of Coral Gables. I know you will hear from this neighbor, but from our position in terms of the text amendment, the issue that this property owner has is something that's being handled by the association attorney, their litigating attorney, their association attorney and has nothing to do with this text amendment. And the Planning and Zoning Board actually said it when they passed the motion approving the text amendment that they said from the Gables standpoint, it would only

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apply for cases or houses that had not received Board of Architects approval. So, from my perspective, I know you are going to hear from this homeowner now, it has nothing to do with our application here for the text amendment, that's a separate and entire situation, and I'm happy to answer any questions and I respectfully request that you approve our text amendment and I'd like to reserve some time for rebuttal.

Mayor Lago: Thank you very much.

Vice Mayor Anderson: One quick question just to clarify for some of the public.

Ms. Russo: Yes.

Vice Mayor Anderson: I understood what you meant from Board of Architects approval. Essentially, what you're saying is from the effective date. The effective date will be for those.

Ms. Russo: The effective date for the amendments, it doesn't impact us because it's Snapper Creek. Snapper Creek has the right to enforce its covenants, so someone could not build a house with less setbacks, even though the new setbacks will go into the code would be for any houses built since when they become a member of Snapper Creek Lake that they sign, that they will abide by the rules and regulations and the By-Laws of Snapper Creek allow them to enforce the zoning code of Coral Gables, as well as their protective covenants.

Vice Mayor Anderson: It won't have a retroactive effect, was my point.

Ms. Russo: Yes. That is correct.

Vice Mayor Anderson: Okay.

Mayor Lago: Thank you. Are there any further questions for the applicant? Good morning. Thank you for being here, our Zoning Director.

Planning Official Garcia: Good morning, Jennifer Garcia, Planning Official. I have a PowerPoint that briefly talks about the application and the area, to give you an idea of where we are. So again, this is an amendment to the site-specifics of our zoning code. Our zoning code has our usual zoning regulations for anyone in the city, but site-specifics is at the very end and this is what they are amending. So, Snapper Creek is in South Gables. It's kind of in between Red Road and Old Cutler Road. The single-family, low density is the future land use designation, and the zoning is single-family residential. So, we are just amending the site-specific to Snapper Creek Lakes. In summary, what they've proposed is basically five different things. The first one is what we talked about is to count all accessory use structures, including pools in that five percent maximum rear yard ground coverage maximum. Also, mirroring the setbacks that are in their covenants of 50 feet and 30 feet. Increasing the setbacks of any various accessory structures from seven and-a-half feet to eight feet. Updating marina of boat slips to be consistent with the county permit and also removing their PED of zoning code section A-94-2. So, a little bit of graphics. Right now, in the City of Coral Gables,

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outside of those three annexed areas. A pool is counted towards the maximum accessory uses of any property. However, when they were annexed in, as explained earlier, the city took the position to count and calculate these accessory uses the same way the county did. So, what they proposed is that the five percent would also include any accessory uses or structure as counted by the rest of the City of Coral Gables, including pools. Again, mirroring the setbacks of 50 feet and 30 feet, again, consistent with the restrictive covenants of Snapper Creek Lakes. Increasing the setbacks from seven and-a-half feet to eight feet for various accessory structures, gazebos, cabanas. Two more things – just tweaking the maximum marina of boat slips and also removing the repetitive language in their zoning code. So, the neighborhood meeting for the applicant had been back in December. The Planning and Zoning Board was last month in January and here we are for first reading. They had sent out letters to property owners twice. The property was posted, the Snapper Creek area was posted, I think by the entrance so the neighbors could see what was going on. It was posted on the website twice and also advertised in the newspaper once. So, staff determined that most of the proposed text amendments are consistent with the Comp Plan; and staff recommends approval with conditions. The two conditions are the seven and-a-half feet to eight feet side setback is not consistent with the county’s zoning that was annexed in. It would make a lot of legal non-conforming properties in the area, and then also, the five percent calculation of the pool would also be inconsistent with the Comp Plan, our policy in our Comp Plan. However, of course, a change of policy is on the Commission. The Commission has every right to change that policy. That’s it.

Mayor Lago: Thank you very much. Any comments from the Commission? None.

Vice Mayor Anderson: None.

Mayor Lago: I’d like to open up for public comment.

City Clerk Urquia: I have no members of the public requesting to speak on this item, Mr. Mayor.

Mayor Lago: We’ll close the item. Does the Commission have any comments, anything else they’d like to add, any questions.

Commissioner Castro: As far as...

Mayor Lago: Can we do something. I’m trying to follow Robert’s Rules, as you notice, I’m being very, very strict on that. I’d like everything to go through the Mayor, through the Chair of the Commission. Madam City attorney, correct?

City Attorney Suarez: Yes Mayor. Our city code provides that in order to be recognized, in order to speak and have the floor, a member of the Commission should be recognized by the Mayor. So, I think that’s what you’re getting at.

Mayor Lago: Thank you very much. Would you like to speak sir? Please sign up. Thank you. Let’s wait for the gentleman before we close the public comment.

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City Clerk Urquia: So, the first speaker is Rafael Portuondo.

Mayor Lago: Mr. Portuondo, please, thank you for being here with us. Good morning.

Mr. Portuondo: Good morning.

Mayor Lago: Good morning, sir.

Mr. Portuondo: I'm not presenting architecture today, I'm representing my client, Jose Luis, and so bear with me in terms of the legalese of things. One of the things that typically do is – architects Rafael Portuondo, Portuondo Perotti Architects, 5717 S.W. 8th Street, is we go through the process and meeting with all the important parties, and we move forward based on their decisions. When we went to present a project in Snapper Creek, we met with the appointed architect and the appointed architect gave us the regulations of City of Coral Gables that were signed off by Jim Buyers and by Ramon Trias, in terms of clarification of pools. This came from Snapper Creek. We proceeded with our preliminary submittals. We put in bold letters, pool not part of the rear setback, five percent calculation, which was something he told us to do. The auxiliary structure was part of that, and we know that. So, we proceeded with that. We got the preliminary approval. We proceeded with the design of the house. Just to be clear in what I'm saying, the pool was not included, and it was approved by Snapper Creek and the auxiliary structure was accounted in the five percent rear yard, and it was approved by Snapper Creek. We then went to the Board of Architects, and we got the Board of Architects approval with the approval from Snapper Creek, stamped, signed, approved, and we proceeded to working drawings. Once we finished working drawings, we were actually, we resubmitted the project to Snapper Creek. It was stamped approved and as we went to go pick them up, someone, Heather picked them up and actually signed them off and said that it was not approved. It was weird for the first time in 37 years we've been practicing, we've never gone through a situation where the association is approving us and at the end of all that work, they are disapproving us. We ended up setting up a meeting with the City Attorney. We ended up with the head of Architecture, with the Assistant City Attorney, with Douglas, and we went over what happened, and the City of Coral Gables said that we agree with the interpretation because the rules and regulations of annexed parcels, in terms of Hammock Lakes, Snapper Creek, and we used Dade County regulations. In the Dade County regulations, the pools don't count, and the auxiliary structures count as part of the rear setback. I heard Laura today saying something that and the city itself saying something that resonated to me which was, the clarification of the code is that we're clarifying that the pools are counting in the five percent. They are clarifying that, which wasn't clear before and the city does acknowledge that the five percent counts for the pool. And so, one of the things that is a challenge for us is that we were approved by Snapper Creek, and we were approved by the City of Coral Gables Board of Architects. The City of Coral Gables told us to submit our plans, to lock in your position, and that you're in the pipeline of getting approved, so you don't lose that. So, the owners wanted to design basically a one-story home, so we took advantage of the maximum lot coverage. The pool didn't count; the pool is like 890 square feet. The auxiliary structure is part of the five percent. In the meeting that we had prior to this, a lot of the homeowners association members of Snapper Creek came up to

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us and said, we're really, really sorry, we didn't know that you went through all of this, and even one of them asked me, what it would take to redo the drawings, and I said, well, its going to take \$500,000, because it's a throw-away. So, we're in a very difficult situation, because we've designed a home that was approved by Snapper Creek. We designed a home that the city is telling us, submit the drawings, because you're okay, and then we resubmit to Snapper Creek and we get rejected, knowing that we were taken off the list of proceeding moving forward with our project because the City of Coral Gables is telling us we're okay. One of the things that happens with annexation and I'm not an attorney, but I feel like this is something that I'm very passionate about is, when the city annex an out-parcel, Snapper Creek, Hammock Lakes, the reason they go to Dade County and keep the Dade County rules, because they would in essence create an existing, a huge existing non-conformance. And so, I'm not really sure that the homeowners of Snapper Creek understand that they were annexed without counting the pools. They were annexed with the five percent. And so, it doesn't really matter what they've said for so many years, if they were saying it wrong, and the City of Coral Gables agrees with us and that that's the way it was. Not only was it approved by Jim Buyers, which was Dade County, but it was also approved by the City Attorney as a ruling. So, it's interesting to me to sit here with someone I truly love, Laura Russo, and she is saying, and the city is saying, we're clarifying the code to make sure that the five percent is now counted for the pool. When we were in the previous hearing/board, Robert Behar asked Laura, so Laura, is the pool part of counted in Snapper Creek, and her answer was no. And so, which is why this is so bazaar. So we go through the process, we get approved by Snapper Creek, we get approved by Coral Gables, we are now in a hearing, which is clarifying the zoning code which we have no problem because they are doing it now, not when it was actually, when the City Attorney made a ruling on it, which was 2013, they could have, that next day they could have clarified the code, and all this here is stemming from the fact that our complete guidance came from Snapper Creek. Everything that we did moving forward was because Snapper Creek appointed architect gave us the rulings, handed us the rulings that we should follow, which was the reading of Ramon Trias, the ruling of Jim Buyers, etc., etc. We got nervous, my last comment, I know that I'm repeating myself, we got nervous because we didn't understand that we misunderstood the code. So, we met with Zeke Guilford and the City Attorneys, and they said you're correct, you're interpreting correctly. So, I'm glad for Snapper Creek that they are here to clarify the code. I'm sad that they were here reinforcing something that they shouldn't have reinforced for 50 years, but this is reality, it's my reality. And so, my goal is, I need to get my project approved with the blessing of the City of Coral Gables, which doesn't count the pool and counts the auxiliary structure and the five percent. That's it. And nothing else at this point is fair to my client. Thank you.

Mayor Lago: Thank you, Mr. Portuondo. Mr. Clerk.

City Clerk Urquia: Kenneth Damas.

Mayor Lago: Good morning, sir.

Mr. Damas: Good morning, Mayor, Commissioners. I represent the homeowner. My name is Kenneth Damas, 300 Sevilla Avenue, Suite 306, Coral Gables, FL 33134. Ralph did a perfect

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presentation. Just to add. I reviewed the covenant, the restrictive covenant of Snapper Creek, there's absolutely nowhere in the restrictive covenant where it would count the pool as an accessory structure. That's the only thing I have to add to his comments.

Mayor Lago: Thank you, sir.

Vice Mayor Anderson: Through the Mayor. I want to thank you all for your efforts to have to bring this to us to clarify this piece of the code that was overlooked.

Ms. Russo: May I make a rebuttal statement please?

Mayor Lago: Of course.

Vice Mayor Anderson: Of course, I'm sorry.

Mayor Lago: But in the process, I just want to make sure, if I may, just to try and adhere to the process. Is there any more public comment?

City Clerk Urquia: No, Mr. Mayor.

Mayor Lago: Anybody else would like to speak? Homeowner, you are more than welcome to speak. You can speak and then you can fill out the card after. Speak first.

Mr. Chipoco: Good morning for helping us in many ways. My name is Juan Chipoco. I'm part of the whole community in Coral Gables. We own a new restaurant, Ceviche 105, we are super excited. My background is working in the restaurant industry for many years, 1995, Gables Diner, and everything was like great, because all the process and everything we earned is amazing in this beautiful City of Coral Gables. One of my dreams was to come back to Coral Gables. Now we live in Coral Gables. We built a house on Ponce de Leon, like almost we live for two and-a-half years. We sold the house and we moved to a beautiful neighborhood in Snapper Creek. We have an old house, stayed there for a couple of years, and then we renovated, or we built a new one that we're talking about. We feel like we are wasting time and energy because I know we always follow the rules and regulations, to me, that's the most important, because I've built almost ten restaurants in my life, and I know what means rules, regulations, plans, approval, and work in a good energy means everything for us. So, the way I see a dream come true, build a new house next to the marina in Coral Gables Snapper Creek, with all situations, plans and time, investing time, time, energy, money, and now after the whole process, they say it's not. We have to renew. They don't accept it. So, it's a lot of money involved. We don't want legal problems with anybody, because at the end of the day, it's wasting energy. So, my understanding, they already accepted everything. Why we have to still wait and spending and investing time. That time is the most valuable thing ever. So, as part of the community, Snapper Creek, I feel like in a way disappointed, because we have great relations with the neighbors and everybody says, wow, we don't understand what's going on. Why they stopped you. I can think many, many, many things come to my mind, one of those to me is like discrimination. I don't want to say that word, because it sounds not right, but in a way

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it's kind of – and I don't see why. So, I love the neighborhood, we love the area, we love the projects. We are very familiar with projects, because we are trying to improve that community, creating some beautiful homes with our amazing architect Rafael Portuondo. So, thank you for your time. I hope you can put something together, make the best decision for everybody, and thank you.

Mayor Lago: Thank you. In reference to your comment at the end, I just want to tell you...

Mr. Chipoco: Actually, I agree with the plans and approve the plans and start working, because we actually delayed for almost six months, because we already have the idea to build the house in a year and-a-half and then start a new project. So, we have an old space and Snapper Creek is great right there, so we are thinking about building another house to get that neighborhood better and improved.

Mayor Lago: In reference to your comment, I just want you to know, this is a very inclusive community and we're blessed to have you here, not only as a resident, but also as a business owner. You've made a massive investment in this community, and I just want you to know that we're grateful for that.

Mr. Chipoco: Thank you very much.

Mayor Lago: And I want you to stay in our community. I want you to continue to expand and invite your friends and I want you and your partner to understand that we take that kind of statement very, very seriously here in the city, in this Commission, and that our doors are always open. I'm a phone call away. The City Manager, City Attorney and the City Clerk, whatever you may need, any type of representation. Snapper Creek is a wonderful community, a very upstanding residence. I know them personally. I know every single person whose here today, and they're advocates on all fronts on inclusion, on anti-discrimination, and you are moving into a community that is the envy, the envy of every resident. It is a beautiful place to live. So, I'm telling you, we're going to figure this out, I promise you. Let us just have a few moments to kind of iron this out and looking forward to getting you started, okay.

Mr. Chipoco: Thank you very much.

Commissioner Castro: Through the Mayor, City Attorney, what are his options?

City Attorney Suarez: Whose options, I'm sorry.

Commissioner Castro: The homeowners options. What other way can he move forward?

City Attorney Suarez: So, the recommendation from Planning and Zoning, which I concur with, would be that if the Commission adopts this ordinance as presented by the applicant that property owners who've received preliminary Board of Architects approval, which they have, they are

going through the process, but they have preliminary Board of Architects approval, that they be exempted from the ordinance.

Commissioner Castro: Okay.

Mayor Lago: Does the Commission have anything else they'd like to add to this?

Vice Mayor Anderson: My comment is this is a good example of how ordinances that are on the books when put in practice, you identify things that are inconsistent, and I'm pleased that you brought this to us. Sorry, you had to go through this process, unfortunately, to clarify something that's been needing a fix for some time.

Ms. Russo: I just want to put on the record that Snapper Creek counted pools and still counts pools. They counted them from 97 and even in 2013 when the letter came out that was shared with staff. The unfortunate thing is that staff did not think enough of it to make it a rule. They could have made it, at that time, an additional condition of site-specific for all three neighborhoods and then Snapper Creek could have said, we don't want it for ours, keep it for the other two. As happened, some of you were here when Hammock Lakes or Hammock Oaks wanted to increase the lot coverage from 15 percent to 25 percent, and they got their neighborhood to be in acquiescence, but Snapper Creek did not want the 25 percent lot coverage. And so, they came out and said, "Hammock Lakes, Hammock Oaks, that's good for you, it's not good for us." So, I just to clear, that in Snapper Creek, they've always counted the pools, because since it wasn't part of the site-specific, it went pursuant to the zoning code; the zoning code has always counted pools as part of their accessory uses, and then in the actual ordinance that passed the site-specific, it says, as according to the Florida Building Code, where repairs and alterations amounting to more than the prescribed percentage of replacement value of the existing building area made during any twelve-month period, the building restructure shall be made to conform to all zoning code requirements for a new building or structure. So, it was always anticipated that anything that was a non-conforming use in the county at some point would be made conforming – wood fences would not be allowed, chain-link fences would not be allowed. They were allowed to exist as legal non-conforming, but they would not be. I just want the record to be clear that Snapper Creek has always counted pools. So, the change we made was to avoid a scenario where someone was relying on a letter that never got shared with the community, the actual architect for the community, now it's a different one, the prior one passed away, designed three houses in Snapper Creek. All three of them counted pools, one of them was built with the pool counted. So, I just wanted to make that clear.

Mayor Lago: Commissioner.

Commissioner Fernandez: Quick question. You gave us the map, 73 of the properties are in favor, there are 48 that, I guess you did not hear from. Were there any other concerns?

Ms. Russo: No. Some that we have not heard from are because they are elderly, they've been a few deaths in the community, so some of the properties are currently controlled by estates. We

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handed in all the emails, and we made them part of the record. We handed them in at the Planning and Zoning Board meeting, where the question was asked and explained to them and their response. So, we wanted you to have the X's, not just an X, you actually have paper documentation responding to the question.

Commissioner Fernandez: I guess, what I would like to see between first and second reading is maybe have a second neighborhood meeting just to make sure there aren't any other issues that may not have been addressed, just to make sure everybody is aware before we finalize this, that everybody understands what's going to happen, what the changes are going to be, and everybody is on the same page.

Mayor Lago: Anything else?

Ms. Russo: No.

Mayor Lago: My colleagues on the Commission, do you have any further comments?

Vice Mayor Anderson: No. I'll move it.

Mayor Lago: Before we move it, I just want to make my comments. Follow the protocols that were explained.

Vice Mayor Anderson: I'm sorry, I...

Mayor Lago: I know. So, you have a motion.

Vice Mayor Anderson: I do have a motion.

Mayor Lago: And let me have a second.

Commissioner Fernandez: Would you amend that to include staff's recommendation?

Ms. Russo: For the Planning and Zoning Board recommendation.

City Attorney Suarez: It was the Planning and Zoning Board recommendation.

Commissioner Fernandez: Sorry, the Planning and Zoning.

City Attorney Suarez: So, staff's recommendation was a little bit different. The staff was recommending that those two aspects, meaning the calculation of the swimming pool and the setbacks, not be included. So, I think what you're getting at is the exemption for those properties that have already sought preliminary Board of Architects approval. That came from the Planning and Zoning Board.

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Commissioner Fernandez: Correct.

Vice Mayor Anderson: I would agree with that.

Commissioner Fernandez: Then I'll second.

Mayor Lago: Now we have the opportunity to debate. Is there anything else further from the Commission?

Planning Official Garcia: I just want to clarify. The board actually recommended approval of what was presented by the applicant, which is different from what staff had recommended.

City Attorney Suarez: Correct, yes. Thank you.

Ms. Russo: Planning and Zoning is different. So, you're approving what Planning and Zoning put in as a condition, correct. I want to make sure I understood the motion.

Vice Mayor Anderson: That was the motion.

Ms. Russo: Okay.

City Attorney Suarez: So, Mayor, sorry, so just for purposes of clarification. It's to approve the ordinance as presented by the applicant, with all of the changes.

Vice Mayor Anderson: Yes.

City Attorney Suarez: Okay.

Mayor Lago: So, we have a motion and a second, now we're going to have debate. Would anybody like to add a little bit of further color to the discussion? Anyone else? Then I will have the last word. What I would like to have, Mr. Manager, if possible, please, with the support of the Commission, is that you meet with the architect and the applicant after this meeting. I want to make sure that before this comes back on second reading, there's no further questions or issues with this gentleman's plans. Again, its got to go through the process, the approvals, and I want iron-clad clarity that there's no issues – no zoning issues, that everything has been addressed. That's my number one concern. This is pretty simple legislation, probably one of the easiest ones I've seen come before the Commission, right.

Ms. Russo: Yes.

Mayor Lago: The community is predominantly in favor. Do you have one negative person that opposed it?

Ms. Russo: We have not heard of anyone that has an objection.

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Mayor Lago: This is not an issue about objection or further discussion, but I'm more than willing to have as much discussion as you'd like. This is just making sure that things that fall through the cracks, like this scenario are addressed. This needs to be addressed. I'm in support of the legislation, but I want to make sure that this gentleman who has made a huge investment, not only personally, but in his business capacity, I want to make sure that we address this, along with anything else in the same vein that we may find of anybody who's in the process that has already gotten the BOA approval. The key here for my colleagues to understand is something that a comment that was made here that, as long as you've received BOA approval, that's been the benchmark since I've been here. This is nothing new. So, what we're applying to this gentleman here, Mr. Portuondo is a worldclass architect and he can tell you, just like Ms. Russo, is an exceptional attorney, the standard has always been, if you get through BOA, you have something to hang your hat on, right, correct? So, there's nothing new and I just want to make sure that moving forward that we address whatever needs to be addressed before this comes back to the Commission, because that's the way that I can hold my hat that this is going to get resolved, because this has been going back and forth. I've seen emails, I've seen conversations about this, and we've got to get this finalized for this gentleman here. Okay. As long as my colleagues approve that and they are fine with that, I request that we can help this gentleman out.

Vice Mayor Anderson: Absolutely.

Mayor Lago: Okay. We have a motion and a second, unless there's any further debate that needs to be had.

Commissioner Fernandez: Yes

Commissioner Menendez: Yes

Vice Mayor Anderson: Yes

Commissioner Castro: Yes

Mayor Lago: Yes

(Vote: 5-0)

Mayor Lago: Thank you very much.

Ms. Russo: Thank you.