

City of Coral Gables City Commission Meeting
Agenda Item F-5
July 25, 2022
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Vince Lago

Vice Mayor Michael Mena

Commissioner Rhonda Anderson

Commissioner Jorge Fors

Commissioner Kirk Menendez

City Staff

City Manager, Peter Iglesias

City Clerk, Billy Urquia

City Attorney, Miriam Ramos

City Planner, Jennifer Garcia

Public Speaker(s)

Agenda Item F-5 [11:20 a.m.]

An Ordinance of the City Commission providing for text amendments to the City of Coral Gables Official Zoning Code, Article 4, “Zoning Districts,” Section 2-100, “Residential Districts,” and Article 16, “Definitions,” to increase the interior side setback of certain Multi-Family 3 (MF3) properties; providing for severability, repealer, codification, and for an effective date. (Sponsored by Commissioner Anderson)

Mayor Lago: Moving onto item F-5.

City Attorney Ramos: F-5 is an Ordinance of the City Commission providing for text amendments to the City of Coral Gables Official Zoning Code, Article 4, “Zoning Districts,” Section 2-100, “Residential Districts,” and Article 16, “Definitions,” to increase the interior side setback of certain Multi-Family 3 (MF3) properties; providing for severability, repealer, codification, and for an effective date.

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Mayor Lago: Are there any changes?

Ms. Garcia: Yes. This is being sponsored by Commissioner Anderson. The changes include, oh, I have a PowerPoint, I'll just go through this. It's very fast and very brief, I promise. So, if we are kept with the side setbacks for townhouses in MF3. So, this is a map of current conditions. So, this is showing a map of actually the common ownership. So, there are different colors and letters, an export from GIS, so you can see the different combined ownership of many of the blocks that are zoned in MF3, and the ones that are colored, the goldish color have already been developed as townhouses. You can see some of them have alleys, and some of them don't have alleys. So, the current requirements have no side setback for interior lots for townhouses. You can see both for large properties that are developed into multiple townhouses and those that are smaller properties are developed into two townhouses, depending on the size of the lot. So, the proposed amendment is to require a five-foot setback when you are abutting multi-family building, not townhouse, a multi-family building and not abutting an active alley. We define active alley as it bisects an entire block, its paved and is utilized for garbage collection. So, just to take into consideration, other requirements in the zoning code require two parking spaces per townhouse and that the minimum interior width for two-car garage is 20 feet, interior length is 22 feet. So, with those two requirements it makes it very difficult to redevelop a small property. So again, these are large properties, the zero we changed to five feet when abutting a multi-family building. As you can see, it doesn't really affect the large redevelopments, but for the small developments it would be impacted for non-abutting an active alley. So, let's zoom into the map. On the left side, you can see all the MF3 properties in the city. There is really not that many. Zooming in on the right side, as you can tell that gold color, which is the developed multi-family, developed townhouses in MF3 zoning and the ones with the X's, those are not applied to those, and the ones with the checkmark, this interior setback would apply. That's all I have.

Commissioner Anderson: Just to try to simplify this a little more. I did meet with the stakeholders of people developing townhomes and incorporated their concerns on properties if you're abutting a townhome there would be no additional setback. If you have an alley on your property, there would be no need for the additional setback. The areas where, if somebody wants to put a townhome in and you don't have an active alley, you're not going to be able to do so without having a way to do the parking through the center of the building anyway; and those are closer to the Youth Center, those are the remaining pieces of property that do not have active alleys and would require that special type of design that you see across from the Youth Center right now on one of the parcels itself. So, this is a very limited scope, but I think will address a concern that you have where you are building on top of your neighbors, basically property and have to have access to the neighbor's property and it reduces the ability to use your property as well, because the other building is so close to you. Any comments, anybody else?

Vice Mayor Mena: Yes. I had posed a question last time and I couldn't remember exactly what the issue was, so I went back because it's been a while, maybe staff can address this. One of my concerns that I posed last time was, if you have lot A and lot B, right, and I'm using the word lot loosely. On B there is an existing older apartment building, it has whatever setback it has already, great. The property owner of A comes in, they want to build a townhome, my recollection is, and

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let me know if that's changed, that they would have to have a five-foot setback, even if townhomes are allowed to be able to do that now.

Ms. Garcia: Only if there is a non-alley. If there's abutting alley, then they would not be required to do that. That's the big change since first reading.

Vice Mayor Mena: Maybe I'm not understanding the import of that on the following, because again, let me just put you back in what I was concerned about, and you tell me why that changes it. My concern had been that, okay, they abide by the five-foot setback, they build townhomes, they leave a five-foot setback, they are done. Ten, fifteen years later, apartment building comes along, they want to build townhomes. Would they have to also have a five-foot setback?

Ms. Garcia: No, not the way it's written.

Vice Mayor Mena: Right. So, they would be able to go all the way to the property line.

Ms. Garcia: Right.

Vice Mayor Mena: That's my problem with this. That's my only concern, because to me, that's unfair, right. The first person had to basically give up entitlements to have this five-foot setback and then the second person gets to come along and reap the reward of that and go to the property line. It may also have been a situation where the two property owners, I don't know if there is some sort of restrictive covenant or something that they could enter in advance where they agree we are both going to build townhomes and we are going to connect them, they can build wall-to-wall. I don't know the answer, but that's my concern. So, I'm okay with it otherwise. I understand the point of it and in most situations that won't be an issue, but my concern was always that. The first mover has to bite the bullet on the setback and the second mover reaps the benefit, because we are taking away somewhat development rights from the existing property owner by requiring a new setback that they don't – it's not currently required.

Ms. Garcia: Yes.

Vice Mayor Mena: Anytime we take away hypothetically development rights from a property owner, I'm sensitive to that. I own property, we all own properties. Nobody wants government to come along and tell them whatever you thought you could do; you can't do that anymore. So that's the scenario that I described last time and I'm not sure if the alley vacation change really changes that scenario, I just described to you.

Ms. Garcia: No. I think it just narrows the scope of the area of what it will be applied to.

Commissioner Anderson: I sat down with the townhouse owners several times.

Vice Mayor Mena: Is this specific property though, isn't this citywide?

Commissioner Anderson: It is citywide, but there are only so many properties zoned for townhouses. You have...

Vice Mayor Mena: Specific ones. I thought this was citywide, that's why I'm asking.

Commissioner Anderson: It is a citywide change, but there is only specific land that this applies to and if you sit down and talk to the stakeholders of those pieces of parcels of land or who would be interested in acquiring those parcels of land in the future, and they have no concern with this, then it's a win-win. What we don't want is those channels between townhomes and they have been developed that way for, I don't know what reason, on Valencia where you have this narrow worthless piece of land. I don't think that that works well. If you are going to have an area close to the Youth Center, which is predominantly apartment buildings right now, and there is no active alley in there, in the way that has to be designed you are going to have to have setback requirements and have a special design there, because there is no active alley at all. We don't want to build right on top of each other in those particular circumstances, and in fact, what you would want to encourage is somebody to do a unified project. You want to have something beautiful. You don't want something with all these little pieces in between. And we did see something, it wasn't townhomes that were developed, but it was a PAD that was developed in a nice unified project that is more of a liking of Coral Gables than some of those townhomes that have that ten-foot wide gap between them that with the absence of this ordinance has proposed were built anyway, and you have palm trees that can't survive because there is not enough light, etc., or you end up with a building like we have on Valencia, it's a fantastic building with a blank wall on the end. If this five-foot setback had been on there, you would have had a beautiful building built as opposed to on that end, instead of a blank wall that makes no sense. And I don't want to see anymore blank walls abutting. They otherwise should be designated as a historic building, but the owner is not interested in doing so. So, we need to be more thoughtful in our design.

Vice Mayor Mena: Absolutely.

Commissioner Anderson: That's what I'm trying to achieve here.

Vice Mayor Mena: Does staff have a map or a list of the properties that would be affected by this?

Ms. Garcia: Yes. One of my slides.

Vice Mayor Mena: No. I don't mean an example; you have an exhaustive list.

Ms. Garcia: MF3 properties?

Vice Mayor Mena: Yes.

Commissioner Anderson: That slide that had the red mark in there showed which properties.

Ms. Garcia: Zooming into where the active alleys.

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Vice Mayor Mena: Can we put that up again?

Commissioner Anderson: Well, I think it would be most helpful for you to zoom in on the ones that have no active alleys. They really aren't well suited for townhomes, unless you do a unified design.

Ms. Garcia: Let's zoom into that area.

Commissioner Anderson: Down towards the bottom right-hand corner.

Ms. Garcia: So, on the left side all the MF3 properties are highlighted, so there is maybe four or five down south next to U.S.-1, and the rest of them are mostly around the Youth Center and a little bit north to Biltmore Way. There are a few that's on LeJeune. So, on the right side, the X's showing. So up north you have more the active alleys and then down south at the Youth Center where the green checkmarks are, are where you wouldn't have those alleys.

Vice Mayor Mena: I'm sorry, I didn't understand what you just said about the green checkmarks.

Ms. Garcia: The green checkmarks, this change would apply to these properties.

Commissioner Anderson: There are no alleys in those blocks.

Ms. Garcia: Right.

Commissioner Anderson: The block where you see the green, the purple, and that grouping of four on the left, it's too far away for me to see, but you see green and purple on it, you are going from left to right, it's the second checkmark.

Vice Mayor Mena: Yes.

Commissioner Anderson: That's where the PAD project is being built off Segovia and it's a really nice project that resulted from someone doing a unified project. The one to the right, you have a mixture of historic...

Vice Mayor Mena: Can you zoom in please.

Ms. Garcia: Can you zoom in.

Vice Mayor Mena: Where the green checkmarks are. There you go. Thank you.

Commissioner Anderson: On Santander closest to the Youth Center, you have some historic buildings and I think that's the CC, if I'm correct, so there is no active alley there. The gray section there is a large apartment building and I think you have a duplex on LeJeune.

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Vice Mayor Mena: The goal is to create an active alley there?

Commissioner Anderson: There is no active alley there.

Vice Mayor Mena: So, what is the objective?

Commissioner Anderson: The objective is that's going to be developed into townhomes, if somebody wants to do that, to do a unified project, because there are no active alleys there and you can't do townhomes in the traditional sense of townhomes, because you have no active alley.

Commissioner Menendez: So, this legislation would...

Commissioner Anderson: Promote.

Commissioner Menendez: Remove obstacles and encourage unified.

Vice Mayor Mena: Hold on. I hear that. Let's not put the cart before the horse. Yes sure, it encourages that, but what is it actually doing in the meantime?

Commissioner Menendez: Well actually, I was asking the question.

Vice Mayor Mena: No, no, what I'm saying, what I mean is, I get what we are trying to encourage, but that doesn't mean that's what's going to happen.

Commissioner Menendez: No, I know.

City Manager Iglesias: What happens, Vice Mayor, in a situation like that you would have to replat, create an alley, because we require garage, and the garage is in the back. So, if you don't have an active alley you would have to, a property like that, you would have to replat. We don't allow dead-end alleys, so you'd have to replat that property and create some townhouse conditions. The townhouse is different from a condo and the fact that you have physical ownership of the property.

Vice Mayor Mena: So, what would they do right now, under the current code?

City Manager Iglesias: They would have to replat and provide an alley there, because we do require garages and the only practical place for the garage is coming through the back, if not your whole 25 feet would be a garage, which would be a huge aesthetic problem.

Commissioner Menendez: I have a question. The area on Anastasia that's sort of like yellow/brown, that's where we have more or less recently built townhomes.

Ms. Garcia: Right.

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Commissioner Menendez: Those have parking in the back.

Ms. Garcia: Right.

Commissioner Menendez: So...

Ms. Garcia: They have one main entrance I think towards the middle and that's how they access the garages in the back.

Commissioner Menendez: So, with this legislation, what would be built different than what they have, because I'm very familiar with that particular.

Ms. Garcia: The gold color one, I'm pretty sure they have zero-foot side setback, interior setbacks, and so this one we redeveloped as townhouses, they will provide a five-foot setback right here.

Commissioner Menendez: That's without the legislation or with.

Ms. Garcia: That's with the legislation.

Commissioner Menendez: With the legislation.

Ms. Garcia: Right now, they would just build a townhouse, figure out how the alley would access the garages in the back without the side setback.

Vice Mayor Mena: I'm going to move to defer second reading on this, because I'd like some more clarity. This is not a criticism of staff, but that these checkmarks and colors is very abstract, and I'd like to see a clear example of what can these property owners currently do or not do, and what would the change be as a result of this legislation. I understand the stated objectives, but at the end of the day, if you require a five-foot setback that's however many square feet of additional building space that that property owner can now develop, which as a significant impact on the bottom line for their project, I would think.

Mayor Lago: Not only the bottom line, but it also has the aesthetic appeal, so you are talking about your access, your access would be limited, along with your garages would be limited, so you have to be careful. I understand what the Commissioner is trying to do, and I agree with what she's trying to do, to try to avoid a similar situation like we had with that neighbor that would not allow access to the neighboring property.

Vice Mayor Mena: Which is what started – I remember.

Commissioner Anderson: Here's the problem. If you bring up that other on...

Mayor Lago: That's basically it right there, that's a photo. This stems from that kind of situation right there.

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Commissioner Anderson: Let's presume here for a moment that we have a different type of zoning next door. Do we want a blank wall on there or do we want to have a setback with a beautiful architecture on the side of that building, that's really the question?

Mayor Lago: I agree with you.

Commissioner Anderson: I don't favor having a blank wall to be looked at, at a differently zoned piece of property. So, I'll second your motion to defer. I'd like you to really study this, and think about in the future, do we want townhomes facing off against other types of development with these blank walls with nothing on them.

Vice Mayor Mena: I agree with you on that. My concern and I stated this the first time we discussed it. You assume that next door couldn't build townhomes, I don't know if that's true or not. I don't know each property.

Commissioner Anderson: But there's a way to slice this baby to accomplish this.

Vice Mayor Mena: But the other ideal outcome would be, to your point, that the property next door also be townhome and that they just connect.

Mayor Lago: Or we have similar requirements as homeowners. My house is on a corner, they require me to put two windows on my garage. I didn't want to put two windows on the side of my garage, but I still had to do it, so it complied with the aesthetic look of the house.

Vice Mayor Mena: I agree.

Mayor Lago: I would have preferred instead of having windows just to have cement and just have an entire garage that is encased and only has one entrance, which is the garage door. So, I don't have a problem and I agree with what the Commissioner is saying, but I think we should take a little bit more time, as you said, we'll bring it back to the next Commission and see if we can find some sort of common ground. But this is going to affect the value of what's developable.

City Manager Iglesias: The end unit, as you know Mayor, has – it's a building code issue. There is no setback and therefore you have to have a fire division because you have zero setback from your neighbor. So, the way the building code is written is, you take care of your problem on your side, so by providing a solid wall then you have a fire separation that's required by the actual building code.

Commissioner Anderson: Okay.

City Manager Iglesias: So, you always take care of the building code problem on your property.

Mayor Lago: Commissioner, what would you like to do?

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Commissioner Anderson: I second, go ahead and defer. I don't know if we need to even vote on this at this point.

City Attorney Ramos: There is a motion and a second, so we should go ahead record the vote.

City Clerk Urquia: All in favor.

All: Aye.

City Clerk Urquia: Thank you.

Commissioner Menendez: One thing I'd like to, I'm probably going to do it myself, reach out to folks in the industry just to get their thoughts, because I think we'll do our best, but its good to get a variety of expertise so we can cover all the bases on this. I think we are headed down the right direction.

Commissioner Anderson: Which is what I did. Okay. So, you'll welcome to reach out to them as well.

Commissioner Menendez: Absolutely.

Vice Mayor Mena: Also from a policy perspective, we will have future property owners that may want to come along and may want to do townhomes even if its not what currently zoned there, and I don't think that's necessarily a bad thing. There's been plenty of projects that have gone up over the years with more density than we'd like to see and there's been many times when I said, man I wish they'd do some luxury townhomes here that we've seen in certain parts. So, I want to make sure that whatever policy we pass it applies to every situation and what does it mean, because I'm with you on the goal of now having a blank wall abutting, and I get that.

Commissioner Anderson: Let's see how we can achieve that.

Commissioner Menendez: We'll get there. I believe so.