

City of Coral Gables City Commission Meeting
Agenda Item E-1
December 6, 2016
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Jim Cason
Commissioner Pat Keon
Commissioner Vince Lago
Vice Mayor Frank Quesada
Commissioner Jeannett Slesnick

City Staff

City Manager, Cathy Swanson-Rivenbark
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia

Public Speaker(s)

Dan May, Coral Gables Resident
Mark Trowbridge, President of Coral Gables Chamber of Commerce

Agenda Item E-1 [9:51:31 a.m.]

An Ordinance of the City Commission of Coral Gables, Florida providing for a text amendment to the City of Coral Gables Official Zoning Code, Article 4, "Zoning Districts," Division 4, "Prohibited Uses," Section 4-411, "Parking in residential areas," amending the provisions for loading and unloading of commercial vehicles within residential districts and within a specified distance of residential districts, providing a repealer provision, severability clause, codification and providing for an effective date. (10-19-16 PZB recommended approval, Vote 5 Yes-0 No) (Sponsored by Commissioner Lago)

Mayor Cason: Let's do E-1 now, which is an Ordinance on Second Reading.

City Attorney Leen: Thank you Mr. Mayor. Item E-1 is an Ordinance of the City Commission of Coral Gables, Florida providing for a text amendment to the City of Coral Gables Official

Zoning Code, Article 4, "Zoning Districts," Division 4, "Prohibited Uses," Section 4-411, "Parking in residential areas," amending the provisions for loading and unloading of commercial vehicles within residential districts and within a specified distance of residential districts, providing a repealer provision, severability clause, codification and providing for an effective date. The Planning and Zoning Board recommended approval by a vote of 5 to 0 on October 19, 2016. This is an Ordinance on Second Reading. It's sponsored by Commissioner Lago and it's a public hearing item. I just want to read into the record a couple, some edits that were circulated to the Commission, each of you should have received a copy. What this does is, the main edit is in measuring the 100 feet from a residential district for very large properties, it measures it to the construction site. So for example, if you had a very, very large site like UM, or another very large site, which might have many buildings in many areas on a campus, and there was construction on one part that would not, pardon me, not construction, there was loading or unloading in one part, this ordinance would apply to that, but it would have to be within 100 feet of where you are doing the loading and unloading. It wouldn't be for the entire campus just because one small part of it happens to be near a residential district. That's true also for any other large area, such as a golf course or any other large piece of property. Sometimes a small part of it can be near a residential area, but that doesn't make the whole property subject to this ordinance. Anyhow, that was the primary change; it fits within the intent of the ordinance, so it was interlineated and now it's open to your discussion. Did you have something else Miriam?

Deputy City Attorney Ramos: Yes. I'd just like to add that there was a concern last time about moving trucks and we've exempted residential moving trucks, so as long as they are moving between 7 (a.m.) and 7 (p.m.), residential moving trucks are exempt.

City Attorney Leen: Yes, the residential moving trucks, that's part of the original change from First and Second Reading, I'm sorry for not mentioning that, thank you Miriam. This was the additional interlineation that was provided to you recently. Moving trucks are still subject to regulation if they are between 7 p.m. and 7 a.m., they would have to get a special exception from the City Manager, pardon me, from the Development Services Director.

Commissioner Lago: Mayor if I may really just briefly. This E-1 and E-4; E-4 deals with construction on weekends, the very simple reason why I proposed these ordinances is just to continue to move forward and allow for better quality of life in the City of Coral Gables. We want to make sure that weekends, Saturdays specifically, which now on Sundays none of this is allowed. We want to make sure that Saturdays are also quiet time in the City where people can enjoy themselves and not be bothered by excessive construction on the exterior properties or moving vans or huge semis running through the City, especially residential neighborhoods. So, I just want to make sure the residents are aware that E-1, which deals with commercial vehicles in residential districts, along with E-4, which we'll be dealing with now on Second Reading, which

is in reference to construction on Saturdays are at the benefit of the residential communities and restricting that type of behavior on Saturdays, so now you have five days to do the work between Monday and Friday. If you are a professional take advantage of these days, leave Saturdays and Sundays to the residents who are not working and can have some more quality of life.

City Attorney Leen: Mr. Mayor, I wanted to apologize for any confusion. E-1 and E-4, we are not talking about E-4 yet, that's about construction on Saturdays and limiting that; E-1 is about loading and unloading of vehicles, both of them are having this language added that makes it clear that for very large properties the measurements are to wherever the construction is done for E-4 or to the loading and unloading area for E-1. So they both have the exact same type of additional language.

Commissioner Lago: The reason why the City Attorney is bringing that up is because we want to be fair, we want to be fair, especially for larger entities, which are larger in scale, we don't want to penalize them if they are doing some work on one side of the campus and then another area gets hurt. So we want to be fair, but we also want to, like I mentioned before, protect the neighborhoods.

Mayor Cason: OK. We have one speaker card and then we'll close the public hearing – Dan May.

Mr. May: Good morning. I spoke last time on this movement as regards to the club and one thing I was pretty concerned about this rule would over-rule the rules that we have at the club...and I'd just like to ask the City Attorney through the Mayor can a motion be...ordinances that we have in effect at the club now that put the trucks behind the fence and not out on the street. I fear the current law will give them the right to move the trucks back out in the streets. They have voluntarily not parked in the streets in a few years, back then they used to park in the apartment house across the street, and the club has voluntarily, they do not do that.

City Attorney Leen: The main thing is for these large sites such as; you are talking about the Riviera Country Club? - pardon me, the Coral Gables Country Club, for these large sites the Coral Gables Country Club is in a residential area, but what we would be looking for is that we would not want loading and unloading within 100 feet essentially of the surrounding properties.

Mr. May: The way I see it, I understood it is we give them two hours on the street to unload so they can unload on North Greenway for a couple of hours and move around to Granada...

City Attorney Leen: It's just during certain times.

Commissioner Keon: But I think his concern and I think your concern is very valid is that now the vehicles that are loading or unloading at Coral Gables Country Club have to load and unload within the Country Club premises and within a particular area. What he doesn't want to see happen is if we change this ordinance then they are allowed to use either Granada or South Greenway or Alhambra to actually park on and load and unload. He wants to make sure that the provisions that are now protecting that community around the Country Club remain in place and are not, this is not substituted for that. So we need to look at, I know the same think like Riviera Country Club, it sits on Blue Road, they should be required to have to load and unload on their own property, the same with University of Miami. If they are loading or unloading within the university's property, it shouldn't be an issue, but it's when its outside on a residential street if you are going to allow them to move outside of that contained area of their own property is when it becomes a problem.

Mr. May: Thank you Commissioner.

Commissioner Keon: That is what you were saying.

Commissioner Lago: I'll give you an example of something that's happening near where I live and it has nothing to do with the university, it has to do with Doctor's Hospital, and I've mentioned it to them several times. On San Amaro, and it's the driver's fault, because the institution has mentioned it to them several times that they should not be unloading or loading on the street. So what they are doing is, they are forcing vehicles to go around a semi-truck, which is a hazard for the people on incoming traffic, and you see a lot of people walking in their neighborhoods in the morning who are doing their exercise or walking their dogs, so when you start stacking semi-trucks on a main street, because they can't park into a building it becomes a neighborhood issue and it becomes a life safety issue. Another item that was brought up to me and that was brought to me by Mark Trowbridge, who so eloquently stated it, is the issue of the Biltmore Hotel along with the University of Miami. We don't want to penalize an entity and we want to make sure like what Commissioner Keon mentioned, these entities are unloading and loading within their boundaries. My concern is and I think is this Commission's concern, because they support it 5-0 before on First Reading is people who are unloading on the streets; you know people who are unloading next to neighborhoods and they are trying to unload quickly and then leave, and they are committing an offense.

Mayor Cason: Craig let me ask you, the contract we have with the Country Club, does that address that?- I know it takes precedent over this; this is a contractual thing.

City Attorney Leen: Let me say one thing about the item and then I'm going to turn it over to the City Manager, because I can see that she would like to speak on that specifically, but I do want

to say with the item, the whole purpose of it was to become more restrictive. So right now there are already limitations, which exist on loading and unloading in residential areas, this is extending that 100 feet into other areas that are adjoining residential areas. So if it's not allowed now, this ordinance doesn't allow it. Now I would turn it over to the City Manager.

City Manager Swanson-Rivenbark: And so what we are doing is creating a stronger buffer for the residents, it's not allowing them to go into the 100; it is creating that buffer area. But Mr. May you left me a really nice note saying that you are happy with the progress that was going on with the City and the Country Club in meeting the needs with Economic Development, and I want you to know, we are committed to continuing to address those issues and so the passage of this ordinance provides additional protections, it will not take away anything that you and Economic Development and the Country Club have already agreed to.

City Attorney Leen: Mr. Mayor you are correct, there are certain agreements between the Country Club and the City, it's come up on a number of different occasions. The status quo, what currently exist as to the Country Club would continue to exist. I think that this is very clear, this language, I don't think it changes it, but to be doubly clear I'll just ask my office to just state that and put that in a City Attorney opinion on our web, so it can always be cited if anyone ever tries to make that argument, but there is nothing else we could add to this to make that any clearer, because what it does is it – what we have now it extends that protection into surrounding areas like the City Manager said, it creates a buffer, it doesn't make it easier to load and unload, it makes it harder, you understand?

Mr. May: Thank you very much...I agree with all of them.

Mayor Cason: Thank you.

Commissioner Lago: Mayor if I could just add, just get some insight from the Chamber, Mark, I think maybe you want to make a few comments, give us some guidance.

Mr. Trowbridge: Well thank you very much. I think you answered most of that in your comment before, but I think just sort of clarifying, because we do have a number of businesses that come up very close within those 100 feet or very close to those 100 feet. But I guess, I also wanted to double-check in terms of the Central Business District, so if you are a restaurant owner and you get provisions on the weekend and you have a large event, and we have some multi-family units, which would be considered residential, such at 10 Aragon or 55 Merrick, how would that be impacted. I when some of the original discussion of this ordinance was taking place, we were talking more about single-family, but now we are just talking kind of bigger picture in terms of residential.

Mayor Cason: But this says residential district, so it's a district rather than...

City Manager Swanson-Rivenbark: The apartments are in the commercial district, so your concern is, I understand it, but this does not create additional burdens for the loading and unloading in the downtown.

Commissioner Lago: But since you brought that up Mayor, if I may, I would hope that with the members of the Chamber that you emphasize and you ask them to please, if you are bringing in provisions, use the alleys, that's why the alleys are there. Let's eliminate congestion and that's something that we mentioned before we gave out that beautiful proclamation. If you want to eliminate congestion then I constantly, I tell the individuals I pull them over all the time when they are in the middle of the street an 18-wheeler on Giralda, on Granada, on Miracle Mile, I tell them all the time, guys do us a favor please, use the alleys or park on the side of the business or use a meter, I know it's very difficult, but again, we are working on some legislation that we've sat through I think, two meetings already to discuss that and that will be forthcoming, because I think we actually hopefully be rewriting the Code with Mr. Kinney that hopefully we'll be bringing to Commission in the next six months, but that is a major issue. We need people like Sysco and I forgot who are the others...Cheney Brothers, who we depend on, we depend on them for provisions, but hopefully they can also comply, because it's more like a hit and run situation right now. They drop the back of the vehicle, 18-wheeler in the middle of the street, you have 20 cars behind you stacked up, nobody understands why, and that's what's happening why we are having congestion. So you mix in with construction on Miracle Mile, which is 30 years too late, OK, you talk about people not following the rules and then when you bring it to their attention, right now the ticket, I think Kevin correct me if I'm wrong, is \$35.00, and by the time you get law enforcement out there and you write them a ticket, they are gone.

Mr. Trowbridge: I appreciate that and I appreciate that we've been at the table in those conversations and how to manage that better. Certainly it's been kind of the perfect storm to notice that with the additional congestion and lane closures and certainly issues where there aren't available alleys, and so we do know that some folks just literally drop and run, and a \$35.00 ticket isn't going to be a deterrent to a delivery company that is a multi-million dollar company, if you can even find the driver to issue that. So I know that we've been working with both Code Enforcement and even with law enforcement to cite those individuals and have a conversation, certainly mostly with our restaurant community about how to manage that better, specifically in areas where we see that chronic activity. I notice it a lot on Galliano there just north of the mile.

Commissioner Lago: That is a problem. As we move through several different iterations and before we bring the Code rewritten before the Commission for approval or for discussion, I want to continue to ask for the Chamber's guidance, your leadership has been instrumental in pushing this forward and the Manager, so if any of my colleagues are interested in getting involved in this, I ask you to please sit down with the Manager, sit down with Mr. Kinney and staff and I know that Peter and Frank have been helping in regards to potentially addressing this issue, because if you want to get rid of congestion in the downtown area and you want to address this concern, this is just the beginning. We need to rewrite the Code and we really need to address these issues. Again, I thought about going the route of the end-user, but with Mark's guidance, again, you don't want to penalize people who right now are going through some tough times. We want to find an alternate route to address this and make sure people fall in to compliance. Thank you.

Mayor Cason: Let me say that in terms of this, there is no way you are going to be able to stop FedEx, for example, from dropping packages, its commercial. The way this is written you'd prevent FedEx from stopping in front of your house and dropping off some packages. How do we handle that?

Commissioner Keon: They can't be there for more than two hours.

City Attorney Leen: Between 7 p.m. and 7 a.m. currently they are not supposed to be delivering at your house.

Mayor Cason: So that would be the two hour, OK.

City Attorney Leen: You know look, there is obviously a degree of prosecutorial enforcement, code enforcement, do we get a complaint?- I'm not saying they should do this at all, but if a truck one time comes in and delivers something at 7:30, and then they leave and there is no complaint, they are not going to get cited. This is more for someone probably, let's be honest, either like at 6 a.m. or at 9 a.m., either very early or very late in a commercial area, but near a residential district within 100 feet, loading and unloading and creating a nuisance and then the residents will become upset, potentially, they'll complain and now Code Enforcement can go out and do something about it.

Commissioner Keon: But this is for a two hour period of time.

City Attorney Leen: Well no – there is a two hour period of time during between 7 a.m. and 7 p.m.

Commissioner Keon: But during the daytime hours.

City Attorney Leen: Yes.

Commissioner Keon: ...there is two hours and I don't think FedEx is going to spend more than two hours wherever they are. But you know one of the big problems with delivers and everything else is that the trucks have gotten so massive, I mean at one time there were smaller trucks and smaller delivery trucks, I guess the different companies have decided that its more economical for them to run these huge, huge trucks, and you can't get around them, they block the street, you can't get around them. I don't know how you deal with that. I know when you go the Europe and you go to small cities that have small narrow streets and alleys, they have smaller trucks and they use smaller trucks and they don't use those huge things that block everybody's ability to move around. I don't know if there is any way we can affect how people transport goods in this country in those massive trucks in our City, but it would be a nice thing to be able to do.

Mayor Cason: Alright. Do we have on E-1, do we have a motion?

Commissioner Lago: So moved.

Mayor Cason: Commissioner Lago makes the motion.

Vice Mayor Quesada: Second.

Mayor Cason: Vice Mayor seconds – City Clerk.

Commissioner Slesnick: Yes

Commissioner Keon: Yes

Commissioner Lago: Yes

Vice Mayor Quesada: Yes

Mayor Cason: Yes

[End: 10:09:30 a.m.]