

**City of Coral Gables City Commission Meeting
Agenda Item I-1
October 13, 2015
City Commission Chambers
405 Biltmore Way, Coral Gables, FL**

City Commission

**Mayor Jim Cason
Commissioner Pat Keon via Telephone
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
Chief Procurement Officer, Michael Pounds**

Public Speaker(s)

Agenda Item I-1 [Start: 12:28:10 p.m.]

Discussion and status update regarding interpretations and possible amendments to the Lot Split Ordinance.

Mayor Cason: Let's move to I-1 first, before we do metal roofs.

City Attorney Leen: Yes sir. Thank you Mr. Mayor. I'd like Charles Wu to come up as well, if that's OK. So the purpose of Item I-1 is to discuss the different provisions of the City's Lot Split Ordinance in a context where the City is not specifically considering an application, so that you can give general direction regarding the six prongs that presently exist. In addition, the purpose of this discussion is to present to you some proposed amendments to the lot split ordinance, they are just in draft form, and additional conditions of approval that would be included whenever a lot split is granted. The goal was to consider the many comments that have been made by the

Commission and City staff over the past couple of years as lot splits have come before the Commission and to incorporate them into this proposal. For example, I would just mention one before I turn it over to Charles. The Commission traditionally when it grants a lot split has said as a condition that the two properties should not have more square footage in terms of the residences that are built on those properties, than the one property would be able to. So that condition has been placed here, there are other conditions as well. In addition, there are some amendments to the specific prongs of the test that the Commission considers when determining whether to grant a lot split or not. The goal of staff and myself was not to make it easier or harder to obtain a lot split. Everyone knows that Coral Gables does not favor lot splits and that continues to be the presumption. Nevertheless, this change to the ordinance addresses a couple of legal concerns that have come up, and also provides greater certainty as to whether specific requirements are met or not. Just to give you the procedural posture of this matter, this is right at the beginning, these are ideas. We are presenting them to you to get your feedback. What would happen is we would take your feedback and incorporate them into the proposal then it would go to the Planning and Zoning Board for public hearing, then it would come to you for two public hearings as an ordinance. So you would have and you could amend it again at that time, so this is just the preliminary phase. Of course you are always free to, but please feel free to make any changes you would like to this. Its an idea as to how we think incorporating your suggestions and your comments from prior hearings. This is our thought of how the Commission would want the lot split ordinance to be, of course using the professional judgment of staff as well. So with that, I'll turn it over to Charles Wu to discuss the provisions, and I would like to give a lot of credit to Charles for the conscientiousness and thoughtfulness he put into putting this together.

Mayor Cason: I have a question. Did you include, you told me you were going to, some language about cul-de-sacs...

Mr. Wu: Yes.

Mayor Cason: When we discussed that, that was an issue.

City Attorney Leen: Yes Mr. Mayor. You requested that and that's in number two and when Charles presents this, Charles please reference that as well.

Mr. Wu: Sure. Thank you Mr. Leen. What we have is some of your sentiments you told us during the public hearings whenever we had a lot split. First of all, there is a lot of confusion when the lot has a street frontage and a water frontage and it became complicated when it's a cul-de-sac. So criteria number two, we split that into two, which is to have just a street frontage evaluation and we create number three, which is a lot area evaluation. Let me clarify, if you have a street frontage you also added a water frontage and similar to that a golf course frontage because the situation between the waterfront and the golf course are quite similar. You have extra large frontages between the waterfront and the golf course for certain homes. And we changed the evaluation, we actually we seal the valuation to 1,000 feet from the property. With respect to cul-de-sac, we had a clarification that a cul-de-sac lot, you should evaluate the street frontage and/or the water frontage to include similar situated cul-de-sacs within 1,000 feet as well. So we clarified that. Number three, we separated from number two, which is to evaluate the lot size within 1,000 feet of the subject lot being separated. Number four, we decided that if you demolish the house within the last ten years that will not qualify you, but you can demolish a structure or building older than ten years, that will not disqualify you from this criteria. Number five, there is no substantial changes in number five. Number six, we included the word specimen trees, because we have some lots which have been vacant for a while and they have some specimen trees. We would like to maintain those, does not preclude someone from moving a tree on site, they just have to work around it. And number seven, which the City Attorney said was quite onerous is that, you have to own it prior to September 17, 1977. We changed that to continuously for ten years. So we believe that is more reasonable.

City Attorney Leen: In addition, none of these requirements alone are required, although there was some talk about maybe requiring number three, and maybe making that a mandatory requirement, perhaps waivable by the Commission that would be something for you to think about. So for example, if you didn't own the property for more than ten years, just like today, you could still qualify for a lot split, but you would have to qualify for four of the other six.

Mr. Wu: Now the requirements we coupled together some of the conditions of approval you've allowed in the past. As Mr. Leen mentioned, if you split the lot the homes in those individual lots together cannot be more than, if they were built on the one building site. Number two, we are not

allowing any variances in the future, because if its allowed we expect you to design the house that meets the Code, including all accessory structures. Number three, we've done this in the past and for some reason we've not been doing it, is that when someone comes before you with a lot split application with condition of use they are coming with a site plan. They expend expertise of an architect to do a site plan and elevation that goes before the DRC and the Board of Architects, so there are certain expectations to the public when someone wants to come and look at the application, they see something that's tangible. We would like that to become a condition of the approval for the conditional use and changes to that is subject to the standard Zoning Code criteria. And the last is that a bond be received for the time we move for non-conformity. For instance, if a pool was on one lot and the home is on the other, you want to make sure after the split they remove the pool in a timely fashion and the pool does not have to stay there in a separate lot by itself, because that in itself is illegal. Again, as Mr. Leen said, these are talking points for consideration. You don't have to debate them today, we just want to make sure you are OK with us moving forward before Planning and Zoning and City Commission you will have two more shots at this, and again, anytime that you can give us your comments throughout the process. Thank you.

Vice Mayor Quesada: I want to commend staff. I know as one of the people that complained the way it was written, a little confusing, some of the items in this. So I appreciate the removal of some of the double negatives in there just to make it a little easier; and also the incorporation of particularly Section G at the bottom, those additional inputs are. It seems like we've – every time we've allowed a split, we've incorporated those, so I like seeing it as part of the Code as well. So I just want to say thank you for incorporating that. Before I make any additional comments, I see we have some speaker cards.

Mayor Cason: We have Marlin Ebbert, I think that's the only one on this issue.

Ms. Ebbert: Good morning everybody, I'm Marlin Ebbert, I live at 6935 Almansa Street, and I really wasn't here on this topic and I was just surprised to see it here. And since I haven't seen it in writing all the points, I just would like you to consider being a neighbor and having kind of lived through lot splits. I'd like you to think about, I mentioned this before, what's scares the

neighbors and gets them on the side of splitting lots is the fear of a gigantic house in your neighborhood; and I've always felt that there should be a ratio. If you take down a 2,000 square foot house that fits into the neighborhood, you should be allowed at the most to double it, maybe some ratio. Behind me about 12-13 years ago when my husband was sick so I wasn't really aware of what was going on, I would say probably a 2,000 – 2,500 square foot house went down and they built over 9,000 square feet and it just does not fit into the community; and I think that's why neighbors buy into a lot split.

Vice Mayor Quesada: But isn't it the opposite? Wouldn't the neighbors – and in your situation the lot split isn't going to promote a bigger house. Its going to promote, if we split it up we are promoting two smaller houses. I think the fear is from neighbors, including yourself, you don't want to be cookie-cutter, you don't want neighborhoods to be cookie-cutter or the devaluation of the property in the neighborhood, is that wrong, my thought?

Ms. Ebbert: But it also totally changes density if you have...

Vice Mayor Quesada: Because you said neighbors are afraid of lot splits because they don't want this big massive house, but I think the opposite happens when you split.

Ms. Ebbert: Well that's why they go in favor of the lot split for the developer.

Vice Mayor Quesada: OK. I got you. OK, I misunderstood you.

Ms. Ebbert: Because they are afraid – in keeping – there is nothing wrong with having 10,000 square foot lots and then all of a sudden you have a 15,000 square foot lot, that's what makes Coral Gables special, that we aren't all the same. I've heard Commissioner Keon say that the City was divided into 50 foot lots, some people would buy one, two, three and that's what makes us unique. So I just would like to see you consider maybe some sort of, the house goes down, what you are allowed to put in its place.

Vice Mayor Quesada: And that's one of the items that we added.

Ms. Ebbert: OK. I don't see it.

Vice Mayor Quesada: Do you have an extra copy?- does anyone have an extra copy?

City Manager Swanson-Rivenbark: Its slightly different than what...

Vice Mayor Quesada: I understand that but I was going to explain it now.

City Manager Swanson-Rivenbark: I have a hard copy here.

Ms. Ebbert: Thank you. Thank you.

Vice Mayor Quesada: And you'll notice, I believe its at the bottom of the first page or the beginning of the second page.

Ms. Ebbert: The total square footage...yes that's kind of what you talked about before though.

Vice Mayor Quesada: Yes, in the past. We didn't go as specific as you said.

Ms. Ebbert: I'd like you to make the total square footage less.

Vice Mayor Quesada: Less – so therefore if you are successful in receiving a lot split...

Ms. Ebbert: No, no, no. To go against the lot – to not let the fear of a huge house encourage people to let the lot be split – see?

Commissioner Slesnick: Smaller houses on a big lot.

Ms. Ebbert: Yes or a house that fits into the community.

Commissioner Slesnick:...With extra land around the house.

Ms. Ebbert: Nothing wrong with extra green space.

Vice Mayor Quesada: No, not at all.

Mayor Cason: Well you are coming up with some ideas so you can consider that.

Vice Mayor Quesada: Marlin take a look at that and if you don't mind you can e-mail us...because I know you were very vocal last time, I remember your comments. And let me ask you a question, I heard a rumor after that after that, our vote where we denied the lot split...

Ms. Ebbert: They came back to you.

Vice Mayor Quesada: No. The rumor I heard was that you were upset with the actual result, true or not?

Ms. Ebbert: Because I wanted it to be a park.

Vice Mayor Quesada: Oh well, OK.

Ms. Ebbert: That's why. I wanted it to stay green.

Vice Mayor Quesada: If we get the cash to purchase the lot then...

Ms. Ebbert: I'm working on that one too.

City Attorney Leen: One thing Mr. Mayor, we will look at the proposal as you instructed, there are some property right issues that would be impacted, but we'll take a look at too.

Mayor Cason: Alright. Anything else on this? You'll move forward and come back to us with something more concrete.

Vice Mayor Quesada: I think it's a great first step. I think it clearly outlines all the comments that we've had in the last few votes. So thank you, thank you for incorporating that.

[End: 12:41:45 p.m.]