

1 want to consider making to the city commission on
2 this item.

3 MS. ANDERSON: I would recommend that because
4 if you send it on first -- if you at least send it
5 out on the first commission hearing people are
6 aware the issue exists. They can follow up on it,
7 figure out when the second hearing is by looking,
8 you know, alerting them to look at the city's
9 website, to look at the agenda, see when an item's
10 going to be heard again.

11 I think it's more important to get it at that
12 first commission hearing for that reason and give
13 them adequate notice and an opportunity to
14 participate in the process.

15 MR. BEHAR: I don't have a problem with that
16 because the fact of the matter is you always have
17 more time between planning and zoning and for
18 commission versus, you know, the first and second
19 reading of commission. So I don't think if you
20 want to give them additional time, the three extra
21 days between, you know, before the first hearing, I
22 don't think that's going to affect any --

23 MR. MANTECON: And if you put it at ten days
24 and, you know, if you keep it at ten days, do it at
25 first reading maybe, then at that point if they

1 can't make the first, it's on their radar and they
2 can make the second.

3 MR. BEHAR: Yeah, you know what, that should
4 work.

5 MR. AIZENSTAT: Would anybody like to make a
6 motion? Maria?

7 MS. ANDERSON: Rhonda. Rhonda. Maria's not
8 here.

9 MR. AIZENSTAT: Sorry about that.

10 MS. ANDERSON: It's one of those nights.

11 I would make a motion for this to be passed
12 with the notice being provided at the first
13 commission hearing with ten days notice and three
14 days required for mailing.

15 MR. AIZENSTAT: Is there a second or --

16 MS. ANDERSON: Yeah, just one other thing is
17 the recommendation that I had for posting on the
18 city's website with a link to the Miami Review
19 postings so that people can review that as well.

20 MR. AIZENSTAT: Is there a second?

21 MS. VELEZ: I'll second.

22 MR. AIZENSTAT: That's Maria's second. Any
23 comments? No?

24 Call the role, please.

25 THE CLERK: Julio Grabiell

1 MR. GRABIEL: Yes.

2 THE CLERK: Alex Mantecon?

3 MR. MANTECON: Yes.

4 THE CLERK: Maria Velez?

5 MS. VELEZ: Yes.

6 THE CLERK: Rhonda Anderson?

7 MS. ANDERSON: Yes.

8 THE CLERK: Robert Behar?

9 MR. BEHAR: Yes.

10 THE CLERK: Eibi Aizenstat?

11 MR. AIZENSTAT: Yes.

12 Craig, if you would, please, read Item E-3.

13 MR. COLLIER: Item E-3, an Ordinance of the
14 City Commission of Coral Gables, Florida providing
15 text amendments to city of Coral Gables Official
16 Zoning Code amending Article 2, decision making and
17 administrative bodies, Division 2, Planning and
18 Zoning Board, Section 2-203, meetings, quorum,
19 required vote, providing for clarifying planning
20 and zoning board voting procedures providing for
21 repealer provision, severability clause,
22 codification, and providing for an effective date.

23 Item E-3, public hearing.

24 I don't know, before we -- did we ask for
25 comments from the audience on the last one?

1 MR. AIZENSTAT: No, we did not.

2 MR. COLLIER: So maybe before we -- I may have
3 to read this again. We need to see if we had any
4 comments.

5 MR. AIZENSTAT: Is there anybody here for Item
6 E-2 that would like to make any comments?

7 MR. COLLIER: Let the record reflect nobody
8 stepped forward.

9 MR. AIZENSTAT: All right.

10 MR. COLLIER: All right. I don't think I need
11 to read E-3 since I read it. It's again my
12 ordinance so I guess I need to explain it.

13 I'm hoping this will be viewed as a
14 housekeeping measure. There's a provision in your
15 code that says on a tie vote or where you have less
16 than four affirmative votes it goes to the city
17 commission without a recommendation. We had a
18 situation that occurred, I think it was a couple
19 meetings ago, where it was a 3-3 tie vote so there
20 was no motion passed, but the board fashioned a new
21 motion, I think it was kind of a compromise between
22 the groups about how the motion should be and it
23 did go to the city commission with your
24 recommendation.

25 All this does is just reconfirm in an

1 abundance of caution, as a lawyer might say, just
2 clarifying that indeed if you do have a tie vote
3 and you wish to, because that vote doesn't pass or
4 you have less than four votes, which means the item
5 goes without a recommendation, if you want to give
6 the board the benefit of a recommendation you have
7 the opportunity to fashion a new motion that may
8 get more support of the entire board.

9 So all this does is just clarify that you have
10 that authority, so basically gives you more
11 authority so you can recommendations to be heard
12 by -- to be seen by the city commission.

13 MR. AIZENSTAT: So it's basically cleaning up.

14 MR. COLLER: It's a housekeeping measure is
15 what I would call it.

16 MS. VELEZ: I'll move it.

17 MS. ANDERSON: Second.

18 MR. BEHAR: Second.

19 MR. AIZENSTAT: We have a motion.

20 MR. BEHAR: Rhonda second it.

21 MS. ANDERSON: No problem.

22 MR. AIZENSTAT: Who second it?

23 MR. BEHAR: Rhonda did.

24 MR. AIZENSTAT: Rhonda second it.

25 Is there anybody here that would like to talk

1 about this item? No? Having none, any discussion?
2 No?

3 Call the role, please.

4 THE CLERK: Alex Mantecon?

5 MR. MANTECON: Yes.

6 THE CLERK: Maria Velez?

7 MS. VELEZ: Yes.

8 THE CLERK: Rhonda Anderson?

9 MS. ANDERSON: Yes.

10 THE CLERK: Robert Behar?

11 MR. BEHAR: Yes.

12 THE CLERK: Julio Grabiel?

13 MR. GRABIEL: Yes.

14 THE CLERK: Eibi Aizenstat?

15 MR. AIZENSTAT: Yes.

16 The next item is E-4.

17 Craig, if you would, please.

18 MR. COLLER: Sure.

19 Item E-4, an Ordinance of the City Commission
20 of Coral Gables, Florida providing for a text
21 amendment to the City of Coral Gables Official
22 Zoning Code by amending Article 5, Development
23 Standards, Division 11, Landscaping, Section
24 5-1104, general requirements, limiting locations
25 for artificial turf, providing severability,

1 repealer, codification, and an effective date.

2 Item E-4, public hearing, I'm pleased to say
3 that I did not do this one, and that Ramon, I
4 believe, is going to handle the explanation.

5 MR. TRIAS: Chairman, I had the pleasure of
6 drafting this ordinance personally. So here we
7 have my understanding of what the latest commission
8 discussion has been on the topic of artificial
9 turf.

10 Number one, that a permit should be required
11 so to clarify that issue and, number two, was to
12 separate single family and duplex requirements from
13 other, for example, commercial properties in
14 general. And the idea was that in the single
15 family or duplex it would be allowed in the rear
16 yard with a buffer, some kind of acceptable buffer
17 like a fence or a wall to the neighbors, and that
18 any other location that is not the rear yard would
19 be reviewed by the landscape services staff and
20 determined on a case-by-case basis. And that in
21 the other zoning districts, meaning the commercial
22 buildings, for example, or mixed-use buildings,
23 that it would not be allowed at the ground level.
24 In other words, ground level should be grass. If
25 somebody has a pool on the fifth floor and they

1 have a pool deck, for example, in a mixed-use
2 building, there it would be okay. But not on the
3 ground level.

4 That's the concept, that's the way that I
5 understand the commission was leaning towards, and
6 they were looking for your opinion and
7 recommendations.

8 MS. ANDERSON: Well, I do have some questions
9 for you.

10 MR. TRIAS: Yes.

11 MS. ANDERSON: The draft that, you know, I've
12 read doesn't address retroactivity for existing
13 installations and residential properties as to FAR
14 MF-1 zoning districts, so I presume that permit had
15 been pulled for those. But from what I'm hearing
16 it doesn't sound like permit was pulled for those.

17 MR. TRIAS: Well, if there is no permit, then
18 that would be an issue of code enforcement, and we
19 just wanted to clarify that, that a permit is
20 required.

21 MS. ANDERSON: Okay. How are we going to deal
22 with existing installations that did pull a permit?
23 Is there going to be a retroactive provision so
24 that if it needs to be reinstalled, they can't do
25 it again, or is it going to be grandfathered in, or

1 is it going to be just outright prohibited?
 2 MR. TRIAS: Well, if one has a valid permit
 3 it's grandfathered in generally, so it's not like
 4 this retroactive enforcement.

5 I don't know if there are any specific issues
 6 that you're thinking or specific instances of
 7 application of this artificial turf.

8 MS. ANDERSON: There is a specific instance in
 9 which I'm thinking because I've seen it in the
 10 front of a particular property. But historically
 11 I've also seen where there's been a change in a
 12 zoning code from many years ago, for instance, a
 13 swing set in the front yard was permitted at one
 14 point. Once the swing set rusted out and was
 15 removed, you couldn't put it back again even though
 16 you had a permit for it in the first instance.

17 MR. TRIAS: Well, I'm glad you mentioned that
 18 because I'm working on those issues, and that's
 19 coming next, swing sets and play houses and so on.

20 MS. ANDERSON: Right. So is it going to be
 21 that type of instance where they have to when they
 22 go to replace the turf they're not allowed to
 23 replace the turf because now it's not allowed? Do
 24 they have to re-pull a permit?

25 MR. TRIAS: Possibly, yeah. Clearly one

1 cannot speculate on the details without a specific
 2 case. I mean, I think that the idea is to try to
 3 not make it visible.

4 MS. ANDERSON: Right.

5 MR. TRIAS: However, we do have an option
 6 that, you know, if there are no other -- if the
 7 site conditions make it very difficult in other
 8 locations to have grass, it can be approved by the
 9 landscape department staff.

10 MS. ANDERSON: So if a permit wasn't pulled,
 11 they now have to pull a permit?

12 MR. TRIAS: Yes.

13 MS. ANDERSON: Okay.

14 MR. BEHAR: And that's a code violation issue
 15 and, yes, they would have to pull a permit?

16 MR. TRIAS: Yes.

17 MS. ANDERSON: Okay. Even though it's already
 18 installed?

19 MR. TRIAS: Clearly we would have to look at
 20 it on a case-by-case basis.

21 MS. ANDERSON: So --

22 MR. TRIAS: And in some cases the permit could
 23 be given retroactively --

24 MS. ANDERSON: Right.

25 MR. TRIAS: -- if it's a reasonable

1 application, which I think most of the time the
 2 ones that I've seen that I've been made aware of
 3 they tend to be very reasonable, it was just that
 4 they were done without permits.

5 MS. ANDERSON: Right. So I would suggest that
 6 the courtesy notice then be given to those property
 7 owners now that we have a clear provision and
 8 they're going to have to pull a permit in order to
 9 have that allowed.

10 MR. TRIAS: I think that the courtesy notice
 11 is the code enforcement -

12 MS. ANDERSON: Norm.

13 MR. TRIAS: -- action. And I mean that
 14 seriously, the first action is just to inform
 15 there's a violation and that they can go ahead and
 16 fix it.

17 MR. AIZENSTAT: So this will count towards the
 18 green space that's required during the construction
 19 of a home?

20 MR. TRIAS: Yes. And I think that it's
 21 probably more relevant in the construction --

22 MR. AIZENSTAT: You were a little hesitant, it
 23 took a little time, so I want to be clear on that.

24 MR. TRIAS: Well, let me be clear on that. It
 25 won't be up to me. It will be up to the landscape

1 professionals to determine that it does comply with
 2 the, let's say, previous requirements, if that is
 3 one of the cases -- if that's the case.

4 MR. AIZENSTAT: It shouldn't be in the code
 5 that dictates a percentage of the property or how
 6 much you can?

7 The reason I ask is because of lot of the
 8 properties in certain areas of the Coral Gables
 9 work on septic tanks.

10 MR. TRIAS: Yes.

11 MR. AIZENSTAT: So when you start dealing with
 12 septic tanks in areas, how are you going to -- how
 13 are you also going to deal with the artificial
 14 turf?

15 MR. BEHAR: Well, keep in mind that I would
 16 say 99 percent of the septic tanks has to be the
 17 front of the property, and this artificial turf is
 18 not -- would not be allowed to be in the front
 19 yard.

20 MR. AIZENSTAT: Go ahead.

21 MR. MANTECON: Artificial turf companies with
 22 their septic tanks they also have a -- there's a
 23 register that -- there's actually a mechanism to be
 24 able to access septic tanks underneath artificial
 25 turf.