

City of Coral Gables City Commission Meeting
Agenda Items E-3 through E-7 are related
January 24, 2017
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
Assistant City Manager, Peter Iglesias
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Planning and Zoning Director, Ramon Trias

Public Speaker(s)

Kenneth Garcia
Mario Garcia-Serra

Agenda Items E-3 through E-7 are related [0:00:00 a.m.]

An Ordinance of the City Commission of Coral Gables, Florida requesting an amendment to the Future Land Use Map of the City of Coral Gables Comprehensive Plan pursuant to Zoning Code Article 3, "Development Review," Division 15, "Comprehensive Plan Text and Map Amendments," and Small Scale Amendment procedures (S.163.3187, Florida Statutes), providing for the "North Ponce de Leon Boulevard Mixed-Use Overlay District;" providing for a repealer provision, severability clause, and providing for an effective date. (Legal

description on file with the City) (12 14 16 PZB recommended approval, Vote 5-0)

An Ordinance of the City Commission of Coral Gables, Florida requesting an amendment to the text of the City of Coral Gables Comprehensive Plan, Future Land Use Element, Policy FLU-1.1.3, “Table FLU-4. Mixed-Use Land Use,” pursuant to expedited State review procedures (S.163.3184, Florida Statutes) and Zoning Code Article 3, “Development Review,” Division 15, “Comprehensive Plan Text and Map Amendments;” amending the “MXOD, Mixed-Use Overlay Districts” Land Use Classification to provide that a Mixed-Use Overlay District may be permitted as an overlay in the Multi-Family Medium Density Land Use; providing for a repealer provision, severability clause, and providing for an effective date. (12 14 16 PZB recommended approval, Vote 5-0)

An Ordinance of the City Commission of Coral Gables, Florida requesting an amendment to the Zoning Map pursuant to Zoning Code Article 3, “Development Review”, Division 14, “Zoning Code Text and Map Amendments”, to create the “North Ponce de Leon Boulevard Mixed Use District” for portions of the Douglas Section, Section K, and Section L, Coral Gables, Florida; providing for a repealer provision, severability clause, and providing for an effective date. (Legal description on file with the City) (12 14 16 PZB recommended approval, Vote 5-0)

An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code by amending Article 4, “Zoning Districts,” Section 4-201, “Mixed Use District (MXD)” to allow an MXD Overlay District to be assigned in a Multi-Family 2 Zoning District under certain conditions, and to include provisions for the “North Ponce de Leon Boulevard Mixed Use District” to modify and supplement the existing Commercial and Multi-Family 2 standards and criteria to allow appropriate redevelopment that promotes walkability, enhances Ponce de Leon Boulevard, and provides a transition to the North Ponce Neighborhood Conservation District; providing for a repealer provision, severability clause, codification, and providing for an effective date. (12 14 16 PZB recommended approval, Vote 5-0)

An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code by amending Article 3, “Development Review,” Division 10, “Transfer of Development

Rights” to modify criteria for sending sites north of Navarre Avenue, and to allow for Commercial zoned properties with the “North Ponce de Leon Boulevard Mixed Use District” overlay to be receiving sites subject to certain criteria; providing for a repealer provision, severability clause, codification, and providing for an effective date. (12 14 16 PZB recommended approval, Vote 5-0)

Mayor Cason: Alright, let’s take on ordinance on first reading E-3, 4, 5, 6 and 7.

City Attorney Leen: Okay, Mr. Mayor. At this time, I’m going to read each of these into the record. So, agenda items E-3, E-4, E-5, E-6 and E-7, this is the proposed North Ponce de Leon Boulevard Mixed Use Overlay District including provisions to shape and control the mass and bulk of large-scale buildings on Ponce de Leon Boulevard, including the following elements: 1) Control the Map – Limiting commercial encroachment into the neighborhood through proactive mapping; 2) Improve Vitality and Beauty on Ponce; 3) Transition Appropriately; 4) Provide Inviting Pedestrian Connections; and, 5) Expand Transfer of Development Rights program to include commercial properties on Ponce de Leon Boulevard as eligible sending and receiving sites. Now, as mentioned, there are five items. They’re all being consolidated for purposes of the public hearing today, and they’re all being heard on first reading. Item E-3 is an ordinance of the City Commission of Coral Gables, Florida requesting amendment to the Future Land Use Map of the City of Coral Gables Comprehensive Plan pursuant to Zoning Code Article 3, “Development Review,” Division 15, “Comprehensive Plan Text and Map Amendments,” and Small Scale Amendment procedures (S.163.3187, Florida Statutes), providing for the “North Ponce de Leon Boulevard Mixed-Use Overlay District;” providing for a repealer provision, severability clause, and providing for an effective date. Legal description’s on file with the City. At the Planning and Zoning Board, recommended approval by a vote of 5-0, at the December 14, 2016 meeting. Item E-4 is an ordinance of the City Commission of Coral Gables, Florida requesting an amendment to the text of the City of Coral Gables Comprehensive Plan, Future Land Use Element, Policy FLU-1.1.3, “Table FLU-4. Mixed-Use Land Use,” pursuant to expedited State review procedures (S.163.3184, Florida Statutes) and Zoning Code Article 3, “Development Review,” Division 15, “Comprehensive Plan Text and Map Amendments;”

amending the “MXOD, Mixed-Use Overlay Districts” Land Use Classification to provide that a Mixed-Use Overlay District may be permitted as an overlay in the Multi-Family Medium Density Land Use; providing for a repealer provision, severability clause, and providing for an effective date. The Planning and Zoning Board, at its December 14, 2016 meeting, recommended approval by a vote of 5-0. Item E-5 is an ordinance of the City Commission of Coral Gables, Florida requesting an amendment to the Zoning Map pursuant to Zoning Code Article 3, “Development Review”, Division 14, “Zoning Code Text and Map Amendments”, to create the “North Ponce de Leon Boulevard Mixed Use District” for portions of the Douglas Section, Section K, and Section L, Coral Gables, Florida; providing for a repealer provision, severability clause, and providing for an effective date. Legal description’s on file with the City. Planning and Zoning Board recommended approval at the their December 14, 2016 meeting, by a vote of 5-0. Item E-6 is an ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code by amending Article 4, “Zoning Districts,” Section 4-201, “Mixed Use District (MXD)” to allow an MXD Overlay District to be assigned in a Multi-Family 2 Zoning District under certain conditions, and to include provisions for the “North Ponce de Leon Boulevard Mixed Use District” to modify and supplement the existing Commercial and Multi-Family 2 standards and criteria to allow appropriate redevelopment that promotes walkability, enhances Ponce de Leon Boulevard, and provides a transition to the North Ponce Neighborhood Conservation District; providing for a repealer provision, severability clause, codification, and providing for an effective date. The Planning and Zoning Board recommended approval at their December 14, 2016 meeting by a vote of 5-0. Finally, there’s E-7, an ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code by amending Article 3, “Development Review,” Division 10, “Transfer of Development Rights” to modify criteria for sending sites north of Navarre Avenue, and to allow for Commercial zoned properties with the “North Ponce de Leon Boulevard Mixed Use District” overlay to be receiving sites subject to certain criteria; providing for a repealer provision, severability clause, codification, and providing for an effective date. The Planning and Zoning Board recommended approval at their December 14, 2016 meeting, by a vote of 5-0. All of these items are consolidated for

purposes of the public hearing, as mentioned. This is first reading, so the vote today will be on first reading, and there should be a vote on every item separately. Thank you.

Mayor Cason: Ramon.

Planning and Zoning Director Trias: Thank you, Mayor. If I could have the PowerPoint, please. Mayor, there are five items, but at the end of the day, what we're doing here today is two fundamental things. One is a map amendment and the other one is text that implements the vision for North Ponce. As you know, the process has been going on for about two years, and thank you for your leadership throughout this effort. And we've had several workshops and several meetings with the community. And for the past six months or so, staff has been working closely with the Planning and Zoning Board and property owners and the public at large to come up with a variety of very specific changes. Now, today, we're dealing with one of those very specific changes, the mixed use overlay for Ponce de Leon Boulevard. Okay, that's the highest intensity, the larger buildings; the one that I think will have the biggest impact in terms of the city development. Now, all of the information about this North Ponce effort is in the website. We have a page that has the different reports, which include some very expensive illustrated reports that explain the overall idea. And like I said, today we're looking at five fairly technical changes, but they can be summarized into a map and some text. The type of buildings that we're dealing with are fairly large buildings, buildings that are at least -- that have a site of at least 20,000 square feet. And this illustrates some of the concepts of having liners around parking, the way that smaller buildings next door would be shielded from the larger building, et cetera. That's a simple diagram. But in terms of the regulations that are being proposed, I think probably the best images is this one. If you look at the section on the top, that's what's allowed by right. If you look at the section on the bottom, you can see that the buildings are sculpted more precisely. For example, there's a step back right on Ponce de Leon. There's also a very nice step back from the MF-2, from the apartment area behind. There's also, as you can see, a gap between the larger building and the residential building. And that gap is going to be a landscape passage. We'd call that a paseo or so, but the actual -- we actually came up with a

separate term in the Code language to make it very clear that it was meant to be a pedestrian-oriented landscaped area. Now, it also is a buffer, obviously. It's a buffer with the existing development. But I think eventually that could be very nice. So, in the front, a very nice urban façade towards Ponce de Leon, a proportion of one to one roughly before you step back; in the back, a very generous landscaped area. That is what's achieved through the language that is proposed. In site plan, as you can see, it may be a little bit complicated to see, but the line that outlines -- the dashed line in the center, that's the taller building. As you can see, it's in the center of the block, and then all around is a little less. So, that's what we're trying to achieve. In addition, there are some requirements to shield the parking structures through liners. And as you can see, the same image, the same two images, the light color, both in the top and the bottom, is parking. As you can see, parking tends to be about half of the building. It's a substantial amount of area, and it's not counted in FAR. Keep in mind that FAR is only the actual developable -- leasable area of the building. So, as you can see in the top, currently, you can have the parking garage all the way to the front, which is what happens. That's pretty much the standard condition. If you look at what's being proposed, there's a liner, both in the front and the back, so hopefully, it will be a much more aesthetically pleasing design and a better transition, a better transition with the existing development. So, those are the main ideas. And there are some very specific requirements for the setbacks and step backs for parking and the encouragement of those liners. Now, one of the aspects of this is that the narrow liner, for example, most likely will be attainable housing, so those are some of the design implications of some of these requirements that actually implement some other policies that I think are beneficial and that the Commission has discussed in the recent past. Now, the first request is the Comprehensive Plan amendment that includes that line that defines the district. Now, this line has been discussed extensively. Clearly, to some extent, it's arbitrary, because there's some existing development, some areas that are not development. This is the line that the Planning and Zoning Board recommended. Now, the way that I would recommend that you look at this is that if, in the future, there's a specific project that may have a little bit more land included, maybe the Commission should be open to amending the actual line more precisely. But I think at this point, given the fact that we don't have any projects going on and that this has been the result of significant discussion and

consensus, this is what's being proposed. Now, request number two is a very technical amendment to the Comprehensive Plan that allows for mixed use to be on medium family -- medium density multifamily, which is the MF-2 area behind the commercial. Technical is just simply to allow the mixed use. The third request is the same map actually being implemented in the zoning map. As you know, we have land use map and then we have the zoning map, so it has to be done in both. The fourth request is the actual text of the amendment, and the text that has been incorporated into the mixed use table that the Zoning Code already has. So, the Code, as you know, allows for multiple ways to do mixed use, very good ways, depending on the area of the city. So, we're saying let's have an additional way to do it in those corridors. And it's incorporated throughout and that's where you find the actual details and the actual requirements, the different step backs, different setbacks, different heights, maximum heights and so on. And then the last request is that we are recommending that this become a receiving area for TDRs, which would allow for the same FAR as the downtown receiving areas, which is the 4.375. This was discussed earlier today in another context. That's what the 4.375 means. It's what's allowed if you add TDRs within the Code.

Commissioner Lago: Ramon, to the best of your knowledge, over the last five years, how many times has there been a TDR transfer?

Planning and Zoning Director Trias: The only one I remember recently is the 2020 Salzedo, which is Codina's project. It's very rare. It's happened a couple of other times, but not too many times.

Commissioner Lago: The reason why I ask is because, you know, obviously, I have my reservations in increasing FAR, but I think that this is a good idea in this context, because again, the purpose of TDRs, the way that it was described before, was to get the necessary financing in place to restore historic buildings and make sure that they don't fall into, you know, basically demolition by neglect, which has happened in certain instances in the past. And this hopefully

will open up opportunities for historic buildings to get the necessary care that they so deserve, and they haven't at this point, because there are no receiving sites.

Planning and Zoning Director Trias: And we -- and the Commission also changed the sending areas in the past, so now there are multiple places that that can be done. So, I think that's -- that does that, but in addition, what I would suggest we would also encourage is the attainable housing component, because keep in mind that the FAR is increased, but the density is kept to 1.25, unless it follows any kind of bonus program for attainable housing. So, that's one subtle way to encourage through zoning, which is just one of the tools that you should use, the policy of encouraging attainable housing. So -- and I'll be happy to explain that in more detail, if you want. The findings of fact as -- by staff is that this mixed use overlay complies with the policies of the Comprehensive Plan and staff has determined that this is consistent with the goals and policies and objectives of the Comprehensive Plan, and we recommend approval. And in addition, the Planning and Zoning Board, last December, recommended approval, 5-0. That is the PowerPoint presentation. I'm ready to discuss, if you have any questions, the details and the ideas. Thank you.

City Manager Swanson-Rivenbark: Vice Mayor Quesada, they did talk about the paseo, and you had some very good suggestions regarding how to activate that and what your view was. You might want to contribute to that conversation.

Mayor Cason: But first, let's -- since this is a public hearing, let's -- I have two cards, and then we'll close the public hearing and have discussion. First is Kenneth Garcia, and then Mario Garcia-Serra.

Kenneth Garcia: Hello. My name is Kenneth Garcia. I'm a resident and property owner at 20 Alhambra Circle, number 8. I was -- I participated in the North Ponce workshops and I've been following the process. I support the proposals in front of you, particularly to encourage

appropriate transitions from the Ponce corridor down to the multifamily residential neighborhood on either side. And also, the -- creating liners to hide parking garages. So, thank you.

Mayor Cason: Thank you.

Vice Mayor Quesada: Thank you.

Mayor Cason: Mario.

Mario Garcia-Serra: Good afternoon, Mr. Mayor and Commissioners. Mario Garcia-Sera, with offices at 600 Brickell Avenue, here representing the Alliance Starlight Companies, joined by Mr. Henry Baker, one of the principals of that company. Alliance Starlight has either an ownership or management interest in various properties within the North Ponce area. We applaud the efforts that have been made so far to try to have a planning effort that really brings about the redevelopment in the North Ponce area, which is long overdue. There's been a series of efforts over the years -- it's probably been about 20 years of different North Ponce planning efforts. We think this one is probably the one that has the most promising chance of success. But there are certain components that are still missing. You guys already reviewed and approved the preservation district, which was meant to preserve certain historic and close to historic small scale sort of garden apartment type structures in the area. What you have before you today is the mixed use corridor for the Ponce de Leon Boulevard section, so it addresses generally what is zoned commercial and fronts on Ponce de Leon Boulevard, but there's another component. And that other component is that there's a large amount of properties which are zoned MF-2, which may not have frontage on Ponce, but are either vacant or quite underutilized considering their location within this part of the city. So, our idea has been to find a way to get these MF-2 zoned properties, many of which are over the 20,000 square feet in size that we're usually looking for significant development and have them redeveloped in a manner so that they're no longer vacant property or property where there's only, you know, a handful of units on there, but a sufficient type of redevelopment, which is in scale with the rest of the neighborhood, but can also do things

such as address our need for more attainable housing in the City of Coral Gables, our need for housing close to office areas and, you know, work areas and transit-oriented development close to trolley lines and bus lines. And it's that one additional component I think that is still most in need right now. We're looking for -- I know staff has something that you're planning to take to the Planning and Zoning Board on February 1, but I don't want you to lose sight of that third component that still, I think, needs to be done in order to really have a set of regulations for the North Ponce that will work, addressing MF-2 zoned properties that are not zoned commercial and fronting on Ponce de Leon Boulevard. And it's also something I think, which, you know; it's been two years already of planning efforts. It's something that on that, you know, separate issue and area, it's also time for it to come before the City Commission after perhaps this one additional meeting of the Planning and Zoning Board on February 1.

Mayor Cason: So, you're -- in terms of the five items today, you're in favor of those?

Mr. Garcia-Serra: Sure.

Mayor Cason: This other one -- this would be others that will be coming February 1 or a later date to us?

Mr. Garcia-Serra: Correct.

Mayor Cason: Okay.

Commissioner Keon: I think we asked that the -- this last is the infill area. It's an infill ordinance for the North Ponce area. It is to be heard on February 1. It's been continued twice now.

Mr. Garcia-Serra: At least twice.

Commissioner Keon: At least twice it's been continued. We ask that it be finalized at the Planning and Zoning Board meeting on the first, and then it come back to us as soon after that February 1 meeting as possible.

Mayor Cason: Yeah.

City Manager Swanson-Rivenbark: And that next meeting for you is February 14. Ramon, can that February 1 meeting, can the action -- even -- you have a new rule that even if the board does not take action, that it can still continue up. So, could we expect this on the February 14 agenda?

Planning and Zoning Director Trias: Yes.

Mayor Cason: Okay.

Commissioner Keon: Okay, thank you.

Mayor Cason: Alright, well, we'll close the public hearing. Thank you, Mario.

Mr. Garcia-Serra: Thank you.

Mayor Cason: And discussion. Any discussion?

Commissioner Lago: I think it's pretty straight forward.

Mayor Cason: Yeah.

Commissioner Keon: Yeah. I'm really happy with it. And I know that we have talked a number of times about the various charrettes and planning efforts that, you know, were started for the North Gables for 20 years. And you know, for whatever reason, they just never moved forward.

So, I think we made a commitment to move these forward and stay with them until we could see -- we could make the changes we believed would benefit the area and benefit the city and, you know, retain this as a, you know, in-town urban residential community with, you know, some higher intensity or use along Ponce itself. I had one question about you on this. I think it's the second item, the second -- I guess it's -- is it E-4?

Mayor Cason: E-4.

Commissioner Keon: It allows us to have this mixed use overlay district, so that we -- is it so that we don't have to go through that going to commercial and going to whatever in order to get to mixed use?

Planning and Zoning Director Trias: Yes. What it says is that you don't have to rezone MF-2 properties to commercial, which I think is the best way to do it, because that keeps the scale much better.

Commissioner Keon: Because it keeps the scale. Because now when we go to commercial, we open up the density, we open up the FAR, and we open up heights, everything else. So, now we can go to mixed use and does the underlying land use remain the same?

Planning and Zoning Director Trias: Yeah. As long as you have a commercial property that fronts Ponce de Leon...

Commissioner Keon: Right.

Planning and Zoning Director Trias: Then the additional property that is MF-2 could remain MF-2...

Commissioner Keon: Right.

Planning and Zoning Director Trias: And do a mixed use project, yes.

Commissioner Keon: Okay, thank you.

Mayor Cason: And also...

Commissioner Keon: It improves our ability to deal with that issue much more favorably.

Mayor Cason: And the question that came up earlier in terms of the line going through somebody's property or through somebody's building, we've taken care of that? Have we gerrymandered it, so that nobody gets sort of two zoning...

Planning and Zoning Director Trias: To the best...

Mayor Cason: Designations?

Planning and Zoning Director Trias: Of our ability, we have. But I -- as I said, I do anticipate that it should be reasonable that if a project, a specific project, includes some additional land, that that line could be amended.

Commissioner Lago: Yeah, but I just -- I also want to put on the record, because I know -- just to dovetail what the Mayor's saying, I was visited by one of the individuals who owns a piece of property that is kind of caught in the middle here. And I want to make sure that, again, you're saying there's some flexibility, but I want to make sure that there's some sort of ability or action that that person can take, so that they can achieve the goal that they're looking for in reference to -- I mean, this has been two years of work here. I don't want somebody to be stuck now, you know, two, three or four years if they try to redevelop a parcel of land, but they can't because they're having issues, because they're right down the middle.

Planning and Zoning Director Trias: Right.

Commissioner Lago: I mean, I just can see -- I could -- again, I applaud these efforts. This is incredible. You know, we've been working on this for two years. I just see staff getting bogged down and the applicants getting bogged down if they're caught in the middle...

Planning and Zoning Director Trias: Well, and...

Commissioner Lago: In between two zoning designation.

Planning and Zoning Director Trias: The current line has been the result of extensive discussion with the Planning and Zoning Board. So, my recommendation is accept it, and then, if it needs to be amended for a good cause, then do that in the future.

Mayor Cason: And there's been no public opposition to any of these five things; is that correct?

Planning and Zoning Director Trias: No.

Mayor Cason: It's been through many iterations.

Commissioner Lago: How many hearings have we had, you think? I mean, I know that we had probably -- I think it was two or three or...

Commissioner Keon: Ten or twelve (INAUDIBLE)...

Planning and Zoning Director Trias: My first slide shows a full...

Commissioner Lago: Yeah, I know, but I...

Planning and Zoning Director Trias: Page of hearings, yes.

Mayor Cason: Lots.

Commissioner Slesnick: I was on a committee in 1985.

Commissioner Keon: Right.

Commissioner Slesnick: We came up with a lot of the same results.

Mayor Cason: Yeah.

Assistant City Manager Iglesias: And if I may say, the width of the paseo is 20 feet, which means that from the Building Code perspective, the large building -- you can have as many openings, as much storefront, as much as you want on that side, so it's not limited to a concrete wall. Because you have a 20-foot setback, that means you can have whatever you want. Since you're set back 20 feet, the Building Code allows you to put as many openings, anything you wish on that 20 feet, so that paseo can be -- does not have to be a solid wall on the building -- on the large building side.

Mayor Cason: Mario, do you want to say something else?

Commissioner Lago: (INAUDIBLE).

Mr. Garcia-Serra: If I could, Mr. Mayor and Commissioners. My client has one of those properties that is actually split right now by the line as it's proposed for the Ponce de Leon mixed use corridor. And you know, it's an issue of we can either somehow become part of that district or part of this residential infill district, which is also being discussed. You know, either one I

think is going to bring about incentives, so as to encourage redevelopment, but they do have to be one or the other. My thoughts on the issue, perhaps, are the residential infill district will hopefully be here February 14, I think it is, for first reading. At the same time, which I think this legislation, will be on the agenda for second reading. You would think that we should be able to address those issues at that point in time, you know, one way or the other. Either it goes in one district or in the other. Because I do echo everybody's, you know, concerns here that we don't want this to be something on a piece of paper. We want this to actually work and to make sense. And in order for it to make sense, we have to know that the district boundaries do cover the appropriate development and project sites in order to get it done.

Mayor Cason: Got you.

Commissioner Lago: And I want to -- again, how many pieces of property -- I'm not going to hold you to it, but how many pieces of property do you think are in this limbo, that could potentially be in this limbo?

Mr. Garcia-Serra: You know, it's...

Commissioner Lago: A handful?

Mr. Garcia-Serra: It's got to -- I'd say probably somewhere -- I would say somewhere around five to ten.

Commissioner Lago: Yeah, and the last thing I want to do is I want to -- I don't want to put a person in a situation who would potentially redevelop a piece of property that hasn't been touched in 30 or 40 years and right now it's underutilized.

Mr. Garcia-Serra: Right.

Commissioner Lago: And what we're trying to do is that urban infill in that core and this could be maybe some sort of, you know, setback. They avoid it, because of potential legal fees associated with this and the long, drawn out process. So, if we could, maybe over the next, first and second reading, just take a look at it, those handful of properties and give us options on how we're going to address that, so that people feel secure that we're moving in the right direction and that we're not -- they're not being excluded.

Planning and Zoning Director Trias: Yeah, the one -- the issue I want to point out is that this specific overlay is for properties fronting Ponce de Leon. In this particular case, I don't believe the property fronts Ponce de Leon, so that's where the infill district may be more appropriate or not. I mean, that's something that we need to discuss.

Mayor Cason: Okay. Any more discussion? Then let's take these one by one. Motion on E-3.

Commissioner Keon: I'll move it.

Vice Mayor Quesada: Can we just -- just one quick thing. And what the City Manager was alluding to earlier, when it comes to this paseo walkthrough, this is something that I told the City Manager in my pre-agenda; just something I want you guys to keep in mind. These paseos, if there's not any kind of green or if they're not activated in some kind of way, they could end up looking like a fancy alleyway.

Commissioner Keon: Like an alley.

Vice Mayor Quesada: So, we -- actually, Peter as well -- we looked at a whole bunch of different pictures on the computer during my pre-agenda. And maybe, for second reading, if we can maybe get a few examples of those pictures just so the rest of the Commission can see sort of what we were discussing at our meeting because...

Mayor Cason: We don't want asphalt.

Vice Mayor Quesada: What's funny...?

Mayor Cason: We don't want asphalt.

Vice Mayor Quesada: You know, because when you look at like some of the great European types of locations that are similar to this, the ones -- they have cobblestone streets. They have awnings. They have restaurants. They have grass. They have a lot of different elements to it. So, I just want to be careful that our -- and I want it to be written in the Code that these architectural or design elements are forced upon, so that we're not on this dais, you know, three decades from now and that's being developed that it's going to be developed and it's going to be nice and it's going to be attractive. People are going to want to walk through there and it's not going to feel like a dingy, dirty alleyway.

Mayor Cason: Got you.

Assistant City Manager Iglesias: That's the key to that 20 feet. It allows you to have total flexibility on the...

Vice Mayor Quesada: But I really want...

Assistant City Manager Iglesias: Ponce side. And you also have to remember, Commissioner -- Vice Mayor, you have the also setback on the MF-2 side...

Planning and Zoning Director Trias: Can I..?

Assistant City Manager Iglesias: So you should have a very nice piece of...

Mayor Cason: I think what he's saying is we don't want the asphalt.

Vice Mayor Quesada: You and I disagree on this. I think you and I disagree on this because I want to force those certain architectural elements, and I know you don't like forcing individuals to place, you know, required architectural elements. I want to force it, so that we can get that atmosphere and that type of location that's pleasant to walk through, pleasant to have a coffee and that kind of thing.

Commissioner Keon: Yeah. The intent is that they are pass-throughs, so you don't have these long blocks before you get to the next. And it's to create a better pedestrian experience.

Vice Mayor Quesada: Yeah.

Commissioner Keon: I agree with you. And I think as we look at some of the issues with sustainability and whatever else, rather than have them, you know, paved or asphalted or whatever, that maybe they -- we should require that there be some sort of a permeable surface...

Vice Mayor Quesada: Yeah.

Commissioner Keon: You know, that there be pavers of some sort, as opposed to just asphalt or whatever, so it's...

Assistant City Manager Iglesias: Commissioner, on the building side, there can even be retail, because you have -- you can do anything you want on that piece of 20 feet...

Vice Mayor Quesada: I think we want to promote retail.

Commissioner Keon: Well...

Assistant City Manager Iglesias: From the other...

Vice Mayor Quesada: You want them to put a little bakery or...

Assistant City Manager Iglesias: You can do whatever you wish...

Vice Mayor Quesada: Wine shop or...

Commissioner Keon: Right.

Assistant City Manager Iglesias: You have a 20 feet setback, so you could...

Mayor Cason: Wine shop.

Assistant City Manager Iglesias: Make (INAUDIBLE) openings and everything you wish at that point.

Commissioner Keon: Right.

Assistant City Manager Iglesias: There's a setback on the other side.

Commissioner Keon: Yeah, but I think that maybe we should have some design guidelines for those paseos. And one, it needs to be very clearly stipulated that they are not for vehicular use. So, they're not for deliveries.

Mayor Cason: And they're not for dumpsters.

Commissioner Keon: They're not for dumpsters. They're not for deliveries. They're not for whatever. They are --, so that they are a pleasant pedestrian experience as you...

Vice Mayor Quesada: Yeah, absolutely.

Commissioner Keon: Walk through the blocks. But I think that has to be very clearly spelled out in the issue for the paseos.

Planning and Zoning Director Trias: May -- if I could...

Vice Mayor Quesada: It's a delicate line, because just get on your computer and search some images...

Commissioner Keon: Yeah.

Vice Mayor Quesada: And you'll see real quickly what works and what doesn't work.

Commissioner Keon: Yeah. I mean, as long as there's some -- you know, a business or there's, you know, an entry into maybe an apartment or an entry into a townhouse, you know, whatever is wrapped across that back.

Planning and Zoning Director Trias: Mayor, in the text, we actually didn't call them paseos. We actually came up with the term called landscaped pedestrian passages. And we made it a requirement that they be open to the sky to make sure that some of those ideas are there. Now we can go forward with some more detail, if you choose to in the materials.

Vice Mayor Quesada: So would...

Planning and Zoning Director Trias: But that's written in the Code.

Vice Mayor Quesada: Would open to the sky allow an awning?

Planning and Zoning Director Trias: Yes. It allows actually awnings -- it allows -- let me see what it says here.

Commissioner Keon: It's not a tunnel.

Mayor Cason: It rains a lot.

Planning and Zoning Director Trias: Encroachments up to six feet for balconies or awnings, yeah. There's some language already in the Code.

Vice Mayor Quesada: Okay.

Planning and Zoning Director Trias: If you want additional language, I'll be happy --, but the key here is that it's not a paseo. I've been listening to your very good direction on this. The paseo is something that I think is probably more urban in the downtown, very appropriate. Here we decided to call it the landscaped pedestrian passages.

City Manager Swanson-Rivenbark: But I think the Commission's interest is to see it illustrated.

Mayor Cason: Yeah.

City Manager Swanson-Rivenbark: Whether it's photographs of...

Vice Mayor Quesada: Yeah.

City Manager Swanson-Rivenbark: Other locations...

Planning and Zoning Director Trias: Absolutely.

City Manager Swanson-Rivenbark: Or actual drawings.

Mayor Cason: This could be guidelines.

Commissioner Lago: We can also discuss that at the open space...

Vice Mayor Quesada: Yeah.

Commissioner Lago: Discussion we're going to have. I think it's next week or this week.

City Manager Swanson-Rivenbark: This week.

Vice Mayor Quesada: This Friday.

City Manager Swanson-Rivenbark: Friday.

Commissioner Lago: Excuse me.

Commissioner Keon: But I think that including, you know, some design guidelines, just like with the Mediterranean ordinance into the item is -- will help...

Mayor Cason: Yeah.

Commissioner Keon: Would give very clear...

Planning and Zoning Director Trias: Okay.

Mayor Cason: Okay. So, somebody was going to make a motion. I think it was...

Commissioner Keon: I made a motion.

Mayor Cason: Commissioner Keon.

Vice Mayor Quesada: Second.

Mayor Cason: And the Vice Mayor seconds. E-3, City Clerk.

Commissioner Slesnick: Yes.

Commissioner Keon: Yes.

Commissioner Lago: Yes.

Vice Mayor Quesada: Yes.

Mayor Cason: Yes.

(Vote: 5-0)

Mayor Cason: E-4.

Vice Mayor Quesada: Can I make a motion on E-4, 5, 6 and 7?

City Attorney Leen: No.

Mayor Cason: Separately.

Commissioner Keon: Well, you know, there's a few things I'd like to...

City Attorney Leen: They should be handled separately.

Mayor Cason: Do them separately.

City Commission Meeting

January 24, 2017

Agenda Items E-3 through E-7 are related – Ordinances related to the proposed North Ponce de Leon Boulevard Mixed Use Overlay District including provisions to shape and control the mass and bulk of large scale buildings on Ponce de Leon Boulevard.

Commissioner Keon: In Exhibit...

City Attorney Leen: Sorry.

Commissioner Keon: You know, A, B and C, I think, are fine. And Exhibit D, I spoke with Ramon yesterday about them. I think that would be -- which one -- which number is that? That's...

Planning and Zoning Director Trias: That's the Zoning Code changes.

Commissioner Keon: That's the text amendment.

Commissioner Slesnick: 6.

Commissioner Keon: So, that's 6. Is that E-6?

Mayor Cason: We're doing 4 right now.

Commissioner Keon: Oh, I'm sorry.

Planning and Zoning Director Trias: That's number 3.

Vice Mayor Quesada: 4, move.

Planning and Zoning Director Trias: I'm sorry, number 4.

Commissioner Keon: We moved 4, yes.

Planning and Zoning Director Trias: Number 4.

City Attorney Leen: Is there a second on 4?

Mayor Cason: Okay, who made the motion?

Vice Mayor Quesada: I did.

Commissioner Lago: Frank.

Mayor Cason: Okay, Vice Mayor made...

Commissioner Slesnick: Second.

Mayor Cason: The motion and seconded by Commissioner Lago. City Clerk.

Commissioner Keon: Yes.

Commissioner Lago: Yes.

Vice Mayor Quesada: Yes.

Commissioner Slesnick: Yes.

Mayor Cason: Yes.

(Vote: 5-0)

Mayor Cason: E-5. Motion?

Commissioner Keon: I move it.

Vice Mayor Quesada: Second.

Mayor Cason: Commissioner Keon makes the motion. Vice Mayor seconds. City Clerk.

Commissioner Lago: Yes.

Vice Mayor Quesada: Yes.

Commissioner Slesnick: Yes.

Commissioner Keon: Yes.

Mayor Cason: Yes.

(Vote: 5-0)

Mayor Cason: E-6.

Commissioner Keon: E-6, there's a couple of items I'd like to talk about in here. This is the...

Mayor Cason: Okay.

Commissioner Keon: Text amendment.

Mayor Cason: Alright.

Commissioner Keon: There's a -- you know, in the text itself, I want to point out something, so that we are very clear about it, which I'm very happy to see is in the North Ponce -- in the first item under number -- on Exhibit C, on page 3 or page 4 -- actually, on page 4, under number 6, there is -- on the North Ponce MXD, that in commercial this -- it's clearly stated that the multi -- the MF-2 district up to including 70 feet. No additional height permitted with architectural incentives. That means that you won't get them even with Med bonuses, so it retains the scale of the area.

Commissioner Lago: That's perfect.

Commissioner Keon: Alright, so, you know, I mean, I think there's a real attempt here to have a -- you know, the seven or eight to ten, you know, story kind of buildings that you see in Washington, D.C. You see them in the residential areas of Chicago that are right next to downtown that makes it a very livable area. I had a question -- oh, this was -- yeah, this is where it spells out what the setbacks and all are for the whole area. We talked about, on page 11 of this ordinance -- of this item, under number 4; it talks about live/work. I think maybe -- they have live/work units should not be used for storage of flammable liquids or toxic hazards. I think that we need to maybe change some of that wording in some way that it allows --, because he said, you know, these could possibly be very attractive for an artist, a painter. I mean, they're not -- certainly not foundries, where you would have open furnaces and things. But they certainly could be galleries and those sorts of things, and paint is considered flammable. So, I think you need to look at, you know, this particular language on this particular item so that we're not prohibiting a use that we really -- you know, we might like. You know, for commercial, you know, types of drums of paint is one thing as opposed to regular paint. That was all, just if you would look at that language on those things.

Planning and Zoning Director Trias: Thank you.

Mayor Cason: Okay. So, a motion on E-6?

Commissioner Lago: So moved.

Vice Mayor Quesada: Second.

Mayor Cason: Commissioner Lago makes the motion. The Vice Mayor seconds. City Clerk.

Vice Mayor Quesada: Yes.

Commissioner Slesnick: Yes.

Commissioner Keon: Yes.

Commissioner Lago: Yes.

Mayor Cason: Yes.

(Vote: 5-0)

Mayor Cason: And E-7.

Vice Mayor Quesada: So moved.

Commissioner Keon: So moved.

Mayor Cason: Vice Mayor makes the motion, seconded by...

Commissioner Lago: I think Commissioner Keon seconded.

Commissioner Keon: I'll make the...

Mayor Cason: Commissioner Keon. City Clerk.

Commissioner Slesnick: Yes.

Commissioner Keon: Yes.

Commissioner Lago: Yes.

Vice Mayor Quesada: Yes.

Mayor Cason: Yes.

(Vote: 5-0)

Commissioner Keon: Does this also -- for Ramon. Does this also do away with the -- all of the -
- there are so many site specifics in that whole North Ponce area? What does that do to all those
site specifics? I mean, I can't even keep track of the site specifics in that neighborhood.

Planning and Zoning Director Trias: That's an ongoing discussion that I've had with the City Attorney and the difficulties that this has. Now, what this does is that it clarifies what you can do and it allows better development than anything that is allowed now. So, site specifics become irrelevant.

Commissioner Keon: Okay.

Planning and Zoning Director Trias: However, they're still there and we need to figure out a way to deal with this.

City Attorney Leen: Yes. So, typically, the rule in the past, based on both the wording of the Zoning Code and interpretations of the City Attorney's Office, which is shared by Planning and Zoning staff as well, is that the site specific takes precedence. That's to prevent a loss of development rights, a Bert Harris Act claim or a takings claim. So, whatever the site specifics say, you would get at least those development rights. Now, sometimes -- unless, of course, the Commission orders otherwise in a specific ordinance. There are times you will modify those site specifics, but you need to do it expressly. That's the idea behind it. That's to basically protect against Bert Harris claims and takings claims. So, that's the interpretation that we've had in the past.

Commissioner Keon: So, is -- can you -- are you reviewing the Zoning Code for those?

Planning and Zoning Director Trias: Yeah.

Commissioner Keon: You know, which ones do we -- would we expressly want to eliminate or change?

Planning and Zoning Director Trias: The site specifics have an issue really with MF-2 properties...

Commissioner Keon: Okay.

Planning and Zoning Director Trias: Not as much with Ponce de Leon frontage and what we're trying to do here. But, it does have to do with the height, the way that sometimes the Med bonus is allowed on top of it. There's some disagreement on that issue and it's very significant. It does matter, so we were trying to deal with that with the conversation district through providing incentives for, let's say, less parking, a variety of benefits that would simplify that discussion. Now, we -- as I said, we've gone back and forth for quite a long time and we decided not to eliminate the site specifics at this point...

Commissioner Keon: Okay.

Planning and Zoning Director Trias: But in the future, we may revisit that.

Commissioner Keon: But we're aware of the ones that are conflicting?

Planning and Zoning Director Trias: We -- yes, very aware of them, yeah.

Commissioner Keon: Okay.

City Attorney Leen: And one other thing, Mr. Mayor. Because of the size of this particular -- of the area that's affected by these ordinances, there is a statute -- the Commission has to take one other vote or do something by unanimous consent. Under Section 166.0413(c)(2)(a) of the Florida Statutes, the second reading would have to be after 5 o'clock, unless the Commission directs otherwise. So, you could direct that it be at our usual time, like at 9 a.m., or whenever it comes up on the agenda. As there's no controversy on this particular matter and no one speaking against it, it would fit within the policy the Chair has set to have them during the normal course. But this is one you have to expressly set.

Mayor Cason: Okay. Anybody disagree we'll just hold it at the regular time being that it's not controversial?

Commissioner Keon: I don't have a problem with doing it in the regular time unless we get, between now and then, a lot of questions or, you know, it becomes an issue within the community.

Mayor Cason: Okay.

Commissioner Keon: You know, if it becomes an issue within the community, I would think we should set it for a time that's...

City Manager Swanson-Rivenbark: We have to advertise. And so, we have not advertised for second reading yet, so we'll need to be advertising for that time.

Commissioner Keon: Okay. Oh, okay.

Mayor Cason: I would think people would be...

Commissioner Keon: Okay.

Mayor Cason: Here today if they were going to have a conceptual problem...

Commissioner Keon: Yeah.

Mayor Cason: With this.

Commissioner Keon: Yeah.

Mayor Cason: So -- alright, so...

Commissioner Keon: Okay, that's fine.

Mayor Cason: We'll go ahead and do it then, unless there's an objection at the normal course of business.

City Attorney Leen: So, it'd be approved by unanimous consent, Mr. Clerk, unless there's...

Mayor Cason: Unanimous.

City Attorney Leen: An objection.

Mayor Cason: Unanimous consent.