

City of Coral Gables City Commission Meeting
Agenda Item F-9
June 28, 2022
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Vince Lago

Vice Mayor Michael Mena

Commissioner Rhonda Anderson

Commissioner Jorge Fors, Jr.

Commissioner Kirk Menendez

City Staff

City Manager, Peter Iglesias

City Attorney, Miriam Ramos

City Clerk, Billy Urquia

Deputy City Attorney, Cristina Suarez

Development Services Director, Suramy Cabrera

Zoning Administrator, Arceli Redila

Public Speaker(s)

Andres Mejia

Agenda Item F-9 [Start: 10:34 a.m.]

An Ordinance of the City Commission requesting Conditional Use Review for a previously approved but expired Building Site Determination pursuant to Zoning Code Section 14-206.6, “Building Site Determination” to separate into two (2) single-family building sites on the property zoned Single-Family Residential (SFR) District, legally described as Lots 13-18 Block 236, Coral Gables Riviera Section Part 11 (601 Sunset Drive), Coral Gables, Florida; one (1) building site consisting of Lots 13, 14 and 15 (east parcel), and the other (1) building site consisting of Lot 16, 17 and 18 (west parcel); including required conditions; providing for a repealer provision, providing for a severability clause, and providing for an effective date.

Mayor Lago: Staff, I’d like to jump really quick to F-9, see if we can address that item first.

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Deputy City Attorney Suarez: Mayor, I'll read it into the record.

Mayor Lago: Yes.

Deputy City Attorney Suarez: F-9 is An Ordinance of the City Commission requesting Conditional Use Review for a previously approved but expired Building Site Determination pursuant to Zoning Code Section 14-206.6, "Building Site Determination" to separate into two (2) single-family building sites on the property zoned Single-Family Residential (SFR) District, legally described as Lots 13-18 Block 236, Coral Gables Riviera Section Part 11 (601 Sunset Drive), Coral Gables, Florida; one (1) building site consisting of Lots 13, 14 and 15 (east parcel), and the other (1) building site consisting of Lot 16, 17 and 18 (west parcel); including required conditions; providing for a repealer provision, providing for a severability clause, and providing for an effective date. This is a public hearing item, it's also a quasi-judicial item. So, we ask if there has been any ex-parte communication that they be disclosed. And also, Mr. Clerk, please swear in anyone who will be testifying today.

City Clerk Urquia: Those who will be testifying please stand and raise your right hand. Do you swear or affirm that the testimony you will provide will be the truth and nothing but the truth? Thank you.

Mayor Lago: Mr. Clerk do you have anybody who would like to bring any comments on the record?

City Clerk Urquia: No sir.

Mayor Lago: Please close the public hearing. Ms. Cabrera, good morning, how are you?

Development Services Director Cabrera: Good morning, Suramy Cabrera, Development Services Director. We tweaked the format a little bit. We are having the applicants present first and then staff will give the recommendation.

Mayor Lago: Perfect. Perfect. Good morning.

Mr. Mejia: Good morning, my name is Andres Mejia, I'm the owner of 601 Sunset Drive and I'm very excited to be here. For the past 15 years, my wife and I have been walking past this property and it was our dream to one day purchase it and build our home for us. So today we are here. We have submitted an application to split the property in half. That property was previously approved for the split, condition to the plans that were presented at the time. So, the only thing that's different today is a new design. The new design was

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already approved by the Board of Architects, and it meets the zoning code requirements. With that, I will go ahead and show you the new design. These are the two houses side-by-side from Sunset view, and my house is the one on the right, and the left we are going to build and sell it.

Vice Mayor Mena: These are both houses that I'm looking at?

Mr. Mejia: I'm sorry?

Vice Mayor Mena: This is both houses?

Mr. Mejia: This is both houses.

Vice Mayor Mena: Can I ask you a question?

Mr. Mejia: Yes.

Vice Mayor Mena: When we – I have a fair recollection of when we originally approved this, because I used to live a few blocks from here, so I'm familiar with the site. I thought originally, maybe I'm wrong, I thought originally the two houses on the prior iteration were facing not Sunset but facing the two side streets. Am I wrong about that?

Mr. Mejia: No. There was a previous owner, but the code, what the city wants us to do is they want to have the face or the front of the house facing Sunset, but they want the garages to be on the side street. So, if you see there is no driveway going into the house on Sunset; driveway and garages are facing the side street and that's what they are proposing.

Vice Mayor Mena: No. The front entrances of these houses are on Sunset, no? Where is the front door?

Mr. Mejia: The front door is on Sunset.

Vice Mayor Mena: Okay – on Sunset.

Mr. Mejia: Which is what the city wanted us to do.

Vice Mayor Mena: But am I wrong that the prior iteration had it on the side streets?

Mr. Mejia: No. They had the front of the house facing Sunset. They had that driveway and the garage facing the side streets.

Mayor Lago: So, everything is, in regard to the BOA approved it; it meets all the zoning code requirements.

Mr. Mejia: Correct.

Mayor Lago: When you go down the street, as you go down the street, do all the homes, do all the lots are they similar, two lots from sidewalk to sidewalk, is that correct?

Mr. Mejia: That's correct.

Mayor Lago: Okay. You have anything else you want to present? Okay. Perfect. Thank you. Keep going.

Mr. Mejia: View from Sunset, view from the side, side view, the garage. This would be the west side, the west house; front view, side view and that's it.

Mayor Lago: Anything else before we hear from Development Service Director? Thank you. Madam Director, good morning.

Development Services Director Cabrera: Good morning. So, staff recommends approval of this application with some conditions, and I just wanted to go ahead and read the conditions into the record. The first one, there are really four conditions. The total square footage of the residences allows them to be separated building sites shall not be more than what would have been allowed if it was one building site. The new single-family residences constructed on the separated building site shall meet applicable requirements of the zoning code; no variances can be granted or requested. The plans depicting the site plan elevation, the residents on the separated building site and submit as part of the conditional use application shall be made part of the approval with any instructions or exceptions provided by the City Commission. Any changes to the plans are subject to Section 14-203.10 of the zoning code and a bond shall be required as determined by the Building Official to ensure...of any non-conforming construction that there may be on the sites as part of the separation of the two lots. I believe a little over 15,000 square footage, so they are still significantly big lots and I believe that the BOA really liked these, and I believe that when you saw this the first time there was a comment that the two homes looked very similar.

Vice Mayor Mena: They did.

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Development Services Director Cabrera: They did. Right. So, these are not, and staff recommends approval.

Mayor Lago: Thank you very much.

Vice Mayor Mena: Suramy, are you in a position, if you know, I don't know if you followed the question I just asked.

Development Services Director Cabrera: About which was it was facing. I was actually looking to see if I could find that. I could not find that.

Deputy City Attorney Suarez: This will also come back on second reading.

Development Services Director Cabrera: Jennifer or Arceli, do you all know which way the homes were facing in the last – they were facing Sunset. Okay.

Vice Mayor Mena: Thank you.

Development Services Director Cabrera: You're welcome.

Mayor Lago: Mr. Clerk, after we close the public hearing there is someone who would like to speak.

City Clerk Urquia: Yes sir.

Mayor Lago: And open it to make sure we give everybody the opportunity to speak.

City Clerk Urquia: Ana Gonzalez Abreu.

Mayor Lago: Ms. Gonzalez Abreu, how are you? Good morning.

Ms. Gonzalez Abreu: Good morning.

Mayor Lago: The floor is yours.

Deputy City Attorney Suarez: Mr. Clerk, has she been sworn in?

City Clerk Urquia: No. Please raise your right-hand ma'am.

Mayor Lago: Would you raise your right hand. They are going to swear you in.

City Clerk Urquia: Do you swear or affirm that the testimony you will provide will be the truth and nothing but the truth?

Ms. Gonzales Abreu: I do.

City Clerk Urquia: Thank you.

Ms. Gonzales Abreu: Just wanted to make sure that they are fronting Sunset, but I just heard it. That was my only objection. So, concerning why it should face Sunset because that's the shorter side of the lot. I just heard the explanation, so I'm fine. I couldn't see the plans before today, so I just wanted...

Mayor Lago: You're a neighbor, correct?

Ms. Gonzales Abreu: I live across, yes, on 600 Salzedo. Thank you.

Mayor Lago: Thank you for being here. Thank you. Before we take a vote on it or any other comments, I just like to put something on the record. This was a previous approval from before this gentleman own the property, and the entrance is always a question about Sunset. I think we as a city need to do a much better job, and I'll take responsibility, but we need to start addressing things that don't take 3-4 years to come before the Commission, because time is money; time is money for everyone involved in the process, including the city. This is something where we should have addressed a long time ago, because you have an applicant who is here, you have a resident who had to take time out of her busy day to come here, and we are hearing this before the city again, because of what happened here in the sense that the permit expired. I know that this needs to be heard before the Commission, but it should have come before the Commission two years ago. I know it's been ongoing dealing with issues. So, I ask, I know we are transitioning now to 427. Staff is doing a wonderful job. This is not an indictment on staff. We have electronic permitting, but I think that we could have brought this before and addressed this issue a long time before today. Yes ma'am.

Development Services Director Cabrera: Just in case you have a question.

Mayor Lago: No, there is no question at all.

Development Services Director Cabrera: You are just making comments. I don't think I have an answer for you. Yes, we are moving to the 427 Building should be very helpful, because we will have the new technology actually in place, so we'll have approvals. At the beginning its going to be very rough. We are assuming that the first two weeks of August, we'll be closing the Building Department, actually all of Development Services, half day in order to train staff on the new software. So, we are putting the word out on that. There is going to be some growing pains with that, but I suspect that by the end of the year it will be a very smooth process.

Mayor Lago: If I may. You have made some incredible hires lately.

Development Services Director Cabrera: Yes.

Mayor Lago: Doug is incredible.

Development Services Director Cabrera: Yes.

Mayor Lago: You finally took a vacation for four days forced vacation by the Manager and Doug did an incredible job while you were not here.

Development Services Director Cabrera: I knew he would.

Mayor Lago: He took every single e-mail, along with the rest of your staff. This is not an indictment on staff. This is on a process that they had to follow, which there were certain things in the past resulted in this. They never griped, they never were upset, they just said we want to get this done. What is the next step? So, I think that this is something that, again, bogs the process down across the board and I think that we are going to see that bottleneck be relieved. Now when 427 comes online, digital permitting, online permitting, a lot of these things that I think are going to offer staff the ability to push these projects forward and deal with some of the bottlenecks that we sometimes have here in the public.

Development Services Director Cabrera: Right. And right now, we do have, since you're saying about staff, we promoted Arceli to Zoning Administrator. I'm very happy. She's doing a great job. She is very communicative with me, and Jennifer is picking up some of the Planning Director work. I'm also very happy with her. I really feel that we have one of the best teams we've had. We have a great Code Enforcement Manager with Antoine. Doug

Ramirez, of course, has been a long-time friend and we used to work together in the private sector, finally lured him to come over here to the city, wonderful hire. So, I actually feel that we are building the best team we've ever had.

Mayor Lago: And I want you to know, before we take a vote on the Commission if we have any other comments. I know this has nothing to do with you and I apologize, but I just want to take advantage of this moment. We as a Commission stand 110 percent behind what you need to do to make this the best department in the city. You have a lot on your plate – Code Enforcement, Permitting, BOA, a litany of different things. I want to make sure you're happy, along with your employees who are here, and I've told it to the Manager and the Manager, and I have had extensive conversations. If you and your employees are not happy when you are dealing with residents, you have a lot on your plate, let's just leave it at that, and I want to make sure that this is the most pleasurable experience for you to come to work every single day. I know things are tough. I know you have tough decisions to make. I know you have a lot of workload, but I want to make sure it's something that you – You always take pride in your work, but I want to make sure it's something that is as easy as possible. If there is anything this Commission can do, through the Manager, to make it easier, I know we're going digital, new software, new offices, better air conditioning, better lighting, the climate is going to be better for producing better business practices.

Development Services Director Cabrera: I think that the staff is going to, when they move to the new location, they are going to feel much more appreciated, you know it's always better to work in a better environment. I believe that wholeheartedly and the software upgrades that we are making with IT, I think are going to be fantastic. We are working – there are going to be unexpected, but we will work through them; and the personnel that we have, I really feel that we've made some great hires and some great promotions as of late.

Mayor Lago: Just count on us for whatever you need.

Development Services Director Cabrera: I appreciate that. Thank you.

Mayor Lago: Anything you need.

City Manager Iglesias: And Mayor, we have our financial enterprise system is coming in at the end of the year, so it's the last enterprise system to take care of the entire city, so next year we will be doing business in a different way.

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Mayor Lago: Yes.

Vice Mayor Mena: I just wanted to say on the issue of the lot split, I think it's important anytime we deal with one of these to say this. This is a good example where it's appropriate. If you're familiar with the neighborhood, you know and you go down Sunset along the north side, its two lots, two lots, two lots, two lots, because we are really talking about six lots here that are being split to three and three. So, it's consistent with the character with the neighborhood as you go down the street, etc. Many times, not in your situation, lot splits, and most times I would say, are not appropriate, and so I say that because I don't want the next person to come along and say, well you just approved a lot split, here we are with a lot split. Not all requests are the same what we always look at. This is an easy one because I remember reviewing this. Again, I know it was a few years ago, but I happen to remember it because again, I lived nearby the property, and this is one where it makes sense. But I just want to make sure that people out there don't think that it's kind of open season on lot splits because it's not. We are never, at least in my opinion, going to approve a lot split that the result is something that's not consistent with the current character of the neighborhood. So, there are always exceptions to things, but this one is one that I think makes perfect sense and I appreciate the new design. I do somewhat remember the prior and I think this one is an upgrade to what we saw previously. So, thank you for your time and effort on that.

Mayor Lago: Well said Mr. Vice Mayor.

Commissioner Anderson: Last comment.

Mr. Mejia: I just want to bring up one thing. Thank you for your comments and yes, this a property that has been abandoned for the past 15 years. Just want to take a second to thank Arceli because she has really been really helpful in this process and explaining to me and helping me go through it. And then there was one thing I think in the staff recommendation where it says that the total square footage of the residence allowed to be built would be the same as if it were a single structure, which the numbers as presented, there is a minor discrepancy, I think the max FAR right now would be 10,450 square feet and I think the combined is like 11,000 and change. There is a discrepancy between the two of them of about 1,000 square feet, 1,024. It complies with the zoning code requirements, but they would not comply with the staff recommendation.

Vice Mayor Mena: Ms. Cabrera.

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Development Services Director Cabrera: So, I believe that the staff recommendation was to not build more than would have been allowed today, but if you feel comfortable with that square footage, they need as two separate lots, the zoning code, the maximum buildable square footage then I believe that's appropriate.

Vice Mayor Mena: Let me try to understand what you are saying. You're saying that when you day today, you mean to build as one lot.

Development Services Director Cabrera: If it was one lot.

Vice Mayor Mena: If it was one lot they could build. Your recommendation is the square footage maximum if it was one lot.

Development Services Director Cabrera: Correct.

Vice Mayor Mena: But their proposal is two lots and each one complies with our zoning code.

Development Services Director Cabrera: Correct.

Vice Mayor Mena: I don't understand – can you help me understand why, like we're talking apples and oranges.

Zoning Administrator Arceli Redila: So, it's the code, that's the way the code reads that you can only build up to what 10,450.

Vice Mayor Mena: But that's if it's one lot, you're telling me.

Development Services Director Cabrera: If it's one lot.

Vice Mayor Mena: It's not going to be one lot.

Zoning Administrator Arceli Redila: It's going to be two lots. So that 10,450 square feet would be sub-divided into two.

Vice Mayor Mena: But that doesn't make sense. Sorry, I'm missing something.

City Manager Iglesias: Vice Mayor, the larger the lot on a sliding scale down...

Vice Mayor Mena: We're talking about...

City Manager Iglesias: So, in this case its two lots so it would be – I don't think it would not be...allowing the two lots to be independent because they are two lots and 15,000 square feet.

Mayor Lago: If he would have bought these two lots separately...

Vice Mayor Mena: He would have been able to build this even with an allowance...split the lot they are allowed to build X on each lot, right, that's it, and that's what they are doing.

Mayor Lago: And he's complied with the code, they are complying with the code and not asking for an inch or anything further in regard to what's permissible by the zoning code if you split these two lots.

Commissioner Anderson: I remember this when it came before Planning and Zoning before. I applaud you on the design change because I think its better for the neighborhood. I'm ready to move forward.

Commissioner Fors: If there was a lot split then they could after the lot split be able to add an addition adding the additional square footage anyway, right, because they'll be two separate lots at that point.

Development Services Director Cabrera: Is it?

Zoning Administrator Arceli Redila: The total site area before it was split is 31,000 square feet and now, they are splitting it into 10,450, but then when we calculate the building area would be based on the 31,000 square feet.

Vice Mayor Mena: Why?

Zoning Administrator Arceli Redila: That's the way the code reads.

Mayor Lago: But let's do this, let's do this.

Vice Mayor Mena: I'm totally like confused.

Development Services Director Cabrera: I got to tell you. My understanding is you can approve it that way, correct?

Mayor Lago: So, let me tell you what I would like to do. Take a vote on this today, let's move forward between first and second reading to cure that issue, the discrepancy between the square footage of one lot versus two, and then if we have to amend the zoning code to ensure that, by the way, when was the last time we did a lot split? How many years has it been? Like the Vice Mayor said, we don't do this frivolously. We are very thoughtful and methodical when we approve a lot split, but this is something that is pretty simple. If you have one lot and its two lots now, allow them to build the square footage that's permissible by the zoning code for two separate lots.

Vice Mayor Mena: We are not approving two front doors and two swimming pools, right. We are approving one house with one front door and one swimming pool.

Development Services Director Cabrera: I understand.

Vice Mayor Mena: So, I don't know why the square footage would be...

Mayor Lago: I'm ready to take a vote. I just need a motion based on...

City Manager Iglesias: Mayor, we can look at that. I agree with what the Vice Mayor said. This is a bonafiable lot split that really complies with the neighborhood, these three lots, we will take a look at that for second reading.

Mayor Lago: But we've given direction to staff to make the correction from what is currently permissible.

Vice Mayor Mena: My motion is to approve what the applicant has proposed accepting on face value what they are saying that the square footage that they are proposing to build is consistent with the zoning code, if you were looking at it as two separate lots.

Development Services Director Cabrera: Yes, I'm going to look into the history of why that's there. I'm pretty sure that its because you don't want to build more than whatever was originally in the plat, but we'll take a look at it and see maybe if its appropriate to come back with a code change for that in general.

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Commissioner Anderson: I'll second the motion.

Commissioner Fors: Yes

Vice Mayor Mena: Yes

Commissioner Menendez: Yes

Commissioner Anderson: Yes

Mayor Lago: Yes

(Vote: 5-0)

Mayor Lago: We'll see you on second reading. Thank you. Thank you for your patients.