

City of Coral Gables City Commission Meeting
Agenda Item F-4
May 9, 2023
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Vince Lago
Vice Mayor Rhonda Anderson
Commissioner Melissa Castro
Commissioner Ariel Fernandez
Commissioner Kirk Menendez

City Staff

City Attorney, Cristina Suárez
City Manager, Peter Iglesias
City Clerk, Billy Urquia
City Planner, Jennifer Garcia

Public Speaker(s)

Joe Jimenez
Deborah Register
Maria Cruz

Agenda Item F-4 [3:28 p.m.]

An Ordinance of the City Commission approving the vacation of a public right-of-way pursuant to Zoning Code Article 14, “Process,” Section 14-211, “Abandonment and Vacations” and City Code Chapter 62, Article 8, “Vacation, Abandonment and Closure of Streets, Easements and Alleys by Private Owners and the City; Application Process,” providing for the vacation of the 8,441 (eight thousand four hundred forty one) square feet of public right-of-way and dedication of 1,748 (one thousand seven hundred forty eight) square feet between Lot 4 (5401 Banyan Trail) and Lot 5 (5400 Banyan Trail) in Palm Vista, Coral Gables, Florida; providing for a repealer provision, severability clause, and providing for an effective date. (LEGAL DESCRIPTION ON FILE). (04 04 23 PZB recommended approval, Vote 5-0)

Mayor Lago: Moving onto F-4.

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City Attorney Suarez: F-4 is an Ordinance of the City Commission approving the vacation of a public right-of-way pursuant to Zoning Code Article 14, “Process,” Section 14-211, “Abandonment and Vacations” and City Code Chapter 62, Article 8, “Vacation, Abandonment and Closure of Streets, Easements and Alleys by Private Owners and the City; Application Process,” providing for the vacation of the 8,441 (eight thousand four hundred forty one) square feet of public right-of-way and dedication of 1,748 (one thousand seven hundred forty eight) square feet between Lot 4 (5401 Banyan Trail) and Lot 5 (5400 Banyan Trail) in Palm Vista, Coral Gables, Florida; providing for a repealer provision, severability clause, and providing for an effective date. This is a quasi-judicial hearing, so any ex-parte communications should be disclosed. Also, Mr. Clerk, please swear in anyone who will be providing testimony today.

City Clerk Urquia: Those who will be appearing before this item, please stand and raise your right hand. Do you swear or affirm that the testimony you’ll provide today will be the truth and nothing but the truth. Thank you.

Mr. Jimenez: Good morning, Mr. Mayor, Commissioners, thank you for the time, Joe Jimenez with offices at 2020 Salzedo Street, representing the owners of the property, Robert Barlick and Ana Marie Codina Barlick. This application has really, the subject property is between two single family homes and the Banyan neighborhood. As you can see from this picture, the dotted area there is a platted right-of-way that exist on the original plat back in the 1950s. Here you have a north and south view. It just runs right down the middle. It is currently unimproved, only in the plat do you even know that it exists. Over time and prior to the Barlick’s purchasing a home, a fence was actually constructed that encroaches completely into it, and now it causes and has forever caused a dead-end on that street. The Barlick’s own both of these single-family lots. Right now, the condition as you can see by the fire truck, it’s impossible for a fire truck to turn around. I saw the Chief earlier, there’s one thing that fire doesn’t like is not being able to get out of there. Also, applies to garbage trucks, and also applies to any large vehicle. The property to the north is currently vacant and is just lined with a number of lovely trees that are all within this platted cul-de-sac. It is your property, if you were to ever choose to build it, you could. As I’ll show you later, you would have to remove a lot of trees to do. Something else about this cul-de-sac is the way that it was platted and because of when it was platted, it doesn’t currently meet county standards. This is a 40-foot cul-de-sac, county standards currently call for 50-feet. Just another view for you. And as you can see, where you see like the little white road there on the, I guess it’s the Google map, that’s a little bit of the paved road. Its barely a road as it is, and its not really very...Originally, the lots are, as you can see 1.5 acres each, the required lot size in the zoning district is one acre, and they obviously both comply. What we are proposing is two things; number one, originally, we had proposed a larger cul-de-sac closer to the western property line, a traditional cul-de-sac round. I remember getting a call from the City Manager saying, what, are you crazy, that’s three trees. Figure something else out. That lead to this plan. What you see there in blue is what’s called a T-

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turnaround, which we then presented to the Fire Department which was then presented to all the other city departments, and with no trees being removed, it is acceptable to the Fire Department. As a matter of fact, the only comment we got from Fire during DRC was thank you, because we would obviously be constructing this...in exchange for the vacation and the dedication. You're vacating 8,441 feet because of the T-turnaround taking up less space, the net dedication, the net vacation is 6800 feet. We are also moving the property line a little to the south, the southern 5400 Banyan Trail property would be one acre, consistent with the required lot size, 5401 would be slightly bigger. This is what essentially the T-turnaround would look like, so it would be paved road into what is now private property, expansion both to the north and the south and a fire truck can come in, pull in; the driveway to the 5400 house is actually the end of that, so that would go directly into the driveway, but a truck could pull in, pull out and essentially make a three-point turn without having to back out all the way down Banyan. These are the trees that I was telling you about. The red trees are the ones that are going to affect the red line, excuse me, are the ones that's going to be affected by the original design, our original proposal. And that original proposal had us, had the net dedication be much less, but we thought it would be better. We actually looked to relocate them, try to maybe decorate the cul-de-sac by putting them in the middle, because of the nature of the trees, there's like an inner-twine system that they have. It's not really possible to take out one, save the others. It was just way too difficult. There you can see, as I was saying, the photographs of the trees that are throughout the property. So, we understand, we understand that the city is very into this. It actually is a simpler design for us, so we obviously didn't object at all, but it is a benefit to the city and to the neighborhood, quite frankly that these trees don't have to come out. And this is just an example of the actual tentative plat that's submitted now for your approval later. It shows the rededication, and it shows the vacation, as you can see, that cul-de-sac went very deep into the two properties which also then created setback issues that nobody else on the street has, because we would just have to be so much further back from the platted. So that is the application in a nutshell. I know there is a related item. I don't know if you want to take it.

City Attorney Suarez: There is a related resolution. It is F-6, and it is approving the tentative plat, but it's not on for consideration today. It would be considered once the ordinance approving the vacation if it's approved on second reading, that's when the resolution approving the tentative plat would be considered and voted on.

Mr. Jimenez: Got you. I showed you that item for a couple of weeks or a month. That was the tentative plat that will come to you eventually, if this is approved. So, I'm here to answer any questions and happy to help.

Mayor Lago: I don't have any questions. It speaks for itself.

Commissioner Fernandez: I actually asked the question of the City Attorney. I just want to put it on the record, because it was a question, I received from some residents which was whether the

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city could sell the right-of-way to the resident and the City Attorney can answer that question for us.

City Attorney Suarez: The city does not own right-of-way, we are not the...owners of the right-of-way, so no, we cannot sell it.

Commissioner Fernandez: Thank you. Just wanted to put that on the record.

Commissioner Anderson: So, I did have one question for you. You're not going to get off that easy. Have you looked at the drainage issues there, because in the Banyan area there are some drainage issues.

Mr. Jimenez: None have come up. I know that there are plans to build a single-family home on that single-family lot, the current platted lot. So that will definitely come up when they go to do the civil engineering for that.

Commissioner Anderson: That would have to be on septic, wouldn't it, because we don't have lines down there yet.

Mr. Jimenez: Well, one of the things that the owners are talking about and what they've asked me to find out and its not only septic, but the undergrounding. I know there's a lot of things planned. I know that neighborhood would maybe say hey, can we front it, I don't speak for all the owners there, I'm telling you what my guy's thinking. If we can do that a little faster because, for example, if we are going to build a single-family home there, it would be an awful waste of money to build a septic system to then turn around and then have to connect to a sewer line. If that money could be advanced somehow and done a little bit more efficiently, it would be unnecessary, it's just wasteful. I'd hate to build a brand-new septic system right now; it just seems like an awful waste of money. So, if it's a question of, okay, how do we change the Public Works schedule, is there anything that we can contribute towards that. It's definitely something that's being discussed.

Commissioner Anderson: I can just tell you I got some complaints from down in that area about when there was a lot of rain, not being able to flush toilets. Its worth the discussion with your neighbors and then we can continue to talk about what can be done. Our plans are not going to be done until September 2024.

Mr. Jimenez: That's a while.

Commissioner Anderson: It's a ways off. So, I don't have an answer to that question, but I'm just bringing it up because of the complaints that were brought up.

Mr. Jimenez: Unless you've created any other, excuse me, the county has created any other, this is probably your newest special taxing district in that area. I think this was the last community to

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sort of create its – like Coco Plum, Gables Estates, Hammock Oaks, this was the last one. We did it maybe five years ago, six years ago, the latest. So, they are an organized group. It's not just a bunch of homeowners, so they do meet. So, we'll figure it out.

Commissioner Anderson: I love the proposal to save the trees.

Mr. Jimenez: I've got to give staff credit. They came down on me pretty hard and I didn't even notice it when we were proposing it.

Mayor Lago: Alright. Can we have a motion.

Commissioner Anderson: I'll move it.

Commissioner Fernandez: I think we have public comment.

Mayor Lago: Oh, we have public comment. Go ahead.

City Clerk Urquia: Yes sir.

Mayor Lago: Mr. Clerk.

City Clerk Urquia: First speaker Mr. Mayor is Deborah Register.

Ms. Register: Hello. My name is Deborah Register, I live at 1240 Placetatas Avenue. I do have a problem with the vacating. The city can't sell it because we don't own it, can we not ask the property owner to, just like we do developers to provide funds for some type of project that might benefit the city. I'm totally against allowing people to take property that's used for a different process. So, I'm just asking that question. I know we've gone through that before.

Mayor Lago: I'll respond to you. Thank you. Can the applicant come forward please.

Mr. Jimenez: I think that's exactly what we're doing. There is no paved cul-de-sac there. There is no paved road. We are asking for the dedication and we're going to build one. So instead of the city having to do it at their expense, time, energy, whatever, you're even going to get a permit fee out of it. So, we will build a road, build the turnaround that doesn't exist now and provide a public benefit to everybody on that street where the Fire Department can come down, turn around, it benefits us as well. The reason you can't sell the right-of-way is because it was dedicated by the property owner. If you vacate it, it goes to us automatically. So, you can either, I think, build what you currently have the right to do in the platted cul-de-sac which does not meet county standards and your trucks will not be able to turn around in, or we can do this. We get public safety benefit, we get a public works benefit, and yes, and my clients get a cleaner lot that doesn't have a cul-de-sac running all the way down. They happen to own them both, so it's a unique situation, but they are going to keep them as two. I'm not asking you to unite them. I'm not asking for a monster lot

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or anything like that. It stays exactly the way it is, but the only difference is when we leave here, you'll have an improved road that you don't have today.

Mayor Lago: Thank you.

City Clerk Urquia: Next speaker Mr. Mayor is on Zoom and its Ms. Maria Cruz.

Ms. Cruz: Good afternoon, Maria Cruz.

City Clerk Urquia: Ms. Cruz, before you address the Commission, can I ask you to please turn on the video so that I can swear you in.

Ms. Cruz: I do not know how to turn on the video. How do I do that?

City Clerk Urquia: Hit yes.

Ms. Cruz: Yes. Yes.

City Clerk Urquia: Please raise your right hand. Do you swear or affirm that the testimony you'll provide today will be the truth and nothing but the truth ma'am?

Ms. Cruz: I do.

City Clerk Urquia: Thank you.

Ms. Cruz: Okay. I am listening and like Ms. Register, I do not believe in vacating, giving anything that we shouldn't, but I have a question. We talked about neighborhood, neighbors, community, association, where are all the other people that will be affected positively or negatively with this. When we talk about them, shouldn't we have something from them saying that they agree to this?

Mr. Jimenez: City code requires notice to all the affected property owners and a meeting. That meeting was advertised, that meeting was attended by two people who have absolutely no objection. This has been to DRC; this has been to the Planning Board and now we are here to publicly notice meeting as well. So, Ms. Cruz, they were notified, but they just didn't have anything to say. So that's a requirement of the city code. That wasn't me going above and beyond. We had it at the office and the only comment was, we were told to come, so we came. They are like, great, and they're like fine. This makes perfect sense to me. They saw the mutual benefit.

Mayor Lago: Mr. Clerk.

City Clerk Urquia: That's it, Mr. Mayor.

City Attorney Suarez: Mayor for the sake of completeness, I think we should have staff give their recommendation.

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Mayor Lago: I'd like to close the public comment.

City Attorney Suarez: Okay. Understood.

City Planner Garcia: Good afternoon, Jennifer Garcia, City Planner, I've got a PowerPoint, please. So, you know the location pretty well right now, as well as the two lots. Zoning right now is single-family, and the land use map has it as single-family low density. You know that the north lot is vacant right now and the south lot has a single-family home, two-story with a pool and a garage. They are asking for two requests, only the vacation will be taken up today, and if approved, and then they'll vote for a tentative plat for second reading for the vacation. The process for the vacation and tentative plat is very similar – DRC, Planning and Zoning and the Commission. The tentative plat, once approved by the Commission, goes to the county and the county plat committee will then approve it. They'll create the final plat, and the final plat will come back to you to the City Commission many months from now. And the vacation, as you can see, is the cul-de-sac plated and the dedication is those two blue rectangles. And the tentative plat is just illustrating those vacation dedications as well as enlarging that north lot. So, DRC was in January, the neighborhood meeting as he talked about was in February, Planning and Zoning was in April and here we are for first reading. And notices were sent to, I believe 300 people or so, within 1,000-foot radius of the property, and they were notified by mail three times; two times for property posting; three times for website posting on our website and one time for newspaper advertisement. So, staff determination is consistent with the Comp Plan, as well as recommend approval with conditions. I'll go over those really quickly. There's just three of them. That's to relocate the public utilities which includes the fire hydrant and those utilities that are going to be right now in the public right-of-way. They are going to be relocated to be able to accommodate the new asphalt and the turnaround. And then relocate the backflow preventer since that's being dedicated as a public right-of-way that we relocate into private property and that will be all covered by the owner, the cost and everything. That's it.

Mayor Lago: Thank you. Do we have any further comments from staff, from anyone on the Commission? If not, I'll entertain a motion.

Commissioner Anderson: I'll move it.

Commissioner Menendez: I'll second.

Commissioner Menendez: Yes

Commissioner Anderson: Yes

Commissioner Castro: Yes

Commissioner Fernandez: Yes

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Mayor Lago: Yes

(Vote: 5-0)

Mayor Lago: Thank you.