

**City of Coral Gables
Planning and Zoning Board Meeting
Summary Minutes of January 13, 2010
Coral Gables City Commission Chambers
405 Biltmore Way, Coral Gables**

Members:	J13 F10 M10 Ap14 M12 Jn9	Appointed by:
Eibi Aizenstat	P	City Manager
Robert Behar	P	Commissioner Rafael "Ralph" Cabrera, Jr.
Jack M. Coe	P	Mayor Donald D. Slesnick, II
Jeffrey Flanagan	P	Commissioner Maria Anderson
Pat Keon	P	Planning & Zoning Board
Tom Korge	E	Commissioner Wayne "Chip" Withers
Javier Salman	P	Vice Mayor William H. Kerdyk Jr.

P = Present

E = Excused

City Staff:

Eric Riel, Jr., Planning Director
Jill Menendez, Adm. Assistant
Martha Salazar-Blanco, Zoning Official
Carlos Mindreau, City Architect
Cynthia Birdsill, Economic Sustainability Director
Catherine Cathers, Art and Culture Specialist
Patrick G. Salerno, City Manager

Court Reporter:

None present

Eibi Aizenstat, called the meeting to order at 6:02 p.m. Ms. Jill Menendez called the roll, and it was concluded that a quorum was present (four members).

APPROVAL OF NOVEMBER 4, 2009 PLANNING & ZONING BOARD MEETING MINUTES
The Board indicated there were no corrections to the minutes. Robert Behar made a motion to approve the Minutes, motion was seconded by Jeff Flanagan, and approved as follows:

Roll Call: Robert Behar, Jack Coe, Jeff Flanagan and Eibi Aizenstat (all ayes)

AGENDA ITEM NO. 5

ZONING CODE TEXT AMENDMENT – ARTICLE 3, DIVISION 20, "ART IN PUBLIC PLACES".
AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES AMENDING THE ZONING CODE, ARTICLE 3, DIVISION 20, ENTITLED "ART IN PUBLIC PLACES," IN PARTICULAR SECTION 20-102, ENTITLED "DEFINITIONS"; SECTION 20-103, ENTITLED "ART FUNDS";

AND SECTION 3, ENTITLED "APPLICABILITY OF THE ORDINANCE" TO ALLOW FOR COLLECTION OF FUNDS TO THE HISTORIC PUBLIC ART FUND AND ART ACQUISITION FUND; PROVIDING FOR SEVERABILITY, REPEALER, AND EFFECTIVE DATE.

Cynthia Birdsill, Economic Sustainability Director, presented the text amendment to the Board. The item before the board is seeking an amendment to the Art in Public Places ordinance so we can start to collect funds before the Master Art Plan is in place. The City Commission adopted ordinance on December 11, 2007. A grant is in place from the State of Florida, Division of Cultural Affairs and the City is seeking a master plan consultant to help finalize the Master Art Plan by the end of June 2010. In the meantime, this amendment would not allow the City to lose any funding in case someone does development before June.

Therefore, the Economic Sustainability Department as well as the Cultural Development Board, which voted on the same at their meeting of November 18, 2009, recommend approval of this amendment. Present from the Cultural Development Board and in support of this amendment was Dr. Carol Damian. The City Commission approved the First Reading of this amendment on December 15, 2009.

The Board had questions regarding where the funds would come from. Ms. Birdsill stated the funds come from development in the City, private developers will donate 1% of their construction budget to a public art fund and municipal projects will donate 1% of their budget to historical art public fund.

Robert Behar asked if the developer will have the option to do the art work at their project or will it be mandatory to donate to the funding. Ms. Birdsill clarified that until the Master Plan is in place they will be donating the funds, after the Plan is in place they will be able to select through the art work. The Board still expressed concern regarding developers being forced to donate to a fund, that we don't know what's going to happen or when it going to happen. It was clarified that once the monies goes into a fund it cannot be removed or moved before June.

Jack Coe understands that the developer puts a certain amount of money into a specific fund and someone in City decides what the art work is going to be used for and the monies is spent from that art work as opposed to requiring the developer to have specific art work for the funding. Ms. Birdsill stated this would offer the City the opportunity to buy art work that is more expensive and might have more impact as the fund builds up.

Cultural Development Board will look at the art proposed, who has an art advisory panel, with art professionals, who will assist them make a decision and recommendation to the City Commission who will make a final decision at the end.

After June, the developer would have the option, once the Plan is in place, to donate or contribute, if the developer does not wish to do art work they can donate.

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It was confirmed that the City Attorney signed off on this amendment.

Mr. Aizenstat stated for the record the arrival of Javier Salman.

Mr. Aizenstat made a motion to approve the text amendment as written and presented to the Board. Mr. Coe seconded the motion with an amendment to the motion that the developer does not have to provide any money or art to the City until the Master Plan is in place, giving the developer an option to provide either the funds or the art work now or once Master Plan has been adopted.

Martha Salazar-Blanco, Zoning Official, was asked if there were any project in the pipeline related to this amendment. She is aware of one specific project awaiting to work with this, but no other projects are pending.

Ms. Birdsill would be willing to amend this amendment so that the developer could have the option, pay the money before the Master Plan is in place and then when the Master Plan takes place, if they would choose instead go thru the art process, we could work something out with them. The purpose of the amendment is to say that the developer will be obligated to the art fund at this time even though the master plan is not done, changing that from the original ordinance. They would have the option to put money in now then when the master plan or there is criteria to make the decision about the art we can change it.

There being no further discussion or questions by the Board, Mr. Aizenstat called for a vote. The text amendment was approved as follows:

Roll Call: Jack Coe, Jeff Flanagan, Javier Salman, Eibi Aizenstat and Robert Behar (all ayes).

This item would be going to City Commission on January 26th or February 10th.

Mr. Aizenstat stated for the record the arrival of Pat Keon.

AGENDA ITEM NO. 6

ZONING CODE TEXT AMENDMENT – ARTICLE 5, DIVISION 24, “WALLS AND FENCES”.
AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES AMENDING ZONING CODE ARTICLE 5, “DEVELOPMENT STANDARDS”, SECTION 5-2403, ENTITLED “HEIGHT OF WALLS AND FENCES”, TO REDUCE THE IMPACT OF FENCES ALONG PROPERTY LINES ON SMALLER LOTS; AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

Eric Riel, reminded the Board that this item was scheduled for the November meeting and at that time the Board had discussion and asked Mr. Carlos Mindreau, City Architect, to provide photography of walls and fences, what the existing conditions are and what the proposed regulations are intending to do. Also, some Board members had specific questions regarding location and general heights of the walls and that information is being provided in front of each

member tonight on the blue sheets of paper along with the photographs, Mr. Riel introduced Carlos Mindreau, City Architect. At this time, Mr. Mindreau clarified that the intent of the photographs is to demonstrate some of the elements of the wall as they create a barrier or unfriendly position to the pedestrian and or vehicular traffic on the streets. Pursuant to that, Staff surveyed walls that were complying with the intent of the text amendment or not complying with text amendment; the proposed text amendment deals with the philosophical approach to how we deal streetscape either from a vehicular or pedestrian point of view and how the architecture impacts particularly in the areas that are not the grand boulevards of the City.

Photographs A thru E are the elements to be considered bad walls; F, G and H are good walls as they create the privacy for the individuals, some of the good walls are actually taller but the treatment of that wall does not seem to create an adverse barrier between the pedestrian, vehicular and resident, or owner of the property. The other walls, for example, Photographs A and C, somehow create barriers that are very exclusive to the property. Photograph F would be the finest sample, it is completely open yet property is protected and guarded.

Thereafter, the Board members discussed the text amendment, Jeff Flanagan expressed how the street frontage of 85 feet or less would be discriminatory to the smaller lot size. Also, suggested not to look at how much frontage you have but look at the width of the right of way. Not sure if the lot size should be the determining factor, either the entire wall ordinance needs to be revisited City wide or look at it by the street width or right of way size. Mr. Behar agreed with Mr. Flanagan's comments and suggestions. Mr. Behar suggested to look at the whole front wall, or maybe mandate the height on the front, not allowing them to exceed a certain height across the board. The Board members continue to review and discuss the photographs or samples provided.

Javier Salman expressed maybe the need to look at the initial intent of the language of the Code of why specific limits have been set and create a formula across the board that fits the issues and concerns expressed by the Board members. Concerned that the result of this amendment may be worse than the problem.

Further discussion occurred regarding issue of taste, usage of different elements that work together to enhance home and how the BOA implements the guidelines to follow. Mr. Behar recommended fronts must be uniform as well as restriction of height on the front walls and overall height. Stated that a good transition will make a better view

Staff deferred the consideration of the text amendment to a future date, therefore no vote was taken.

AGENDA ITEM. NO. 7

ZONING CODE TEXT AMENDMENT – ARTICLE 5, DIVISION 19, “SIGNS.” AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES AMENDING THE ZONING CODE, ARTICLE

5, DIVISION 19, ENTITLED, SIGNS, AND ARTICLE 8 PROVIDING FOR PROVISIONS FOR MONUMENT SIGNS; AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE.

At this time Ms. Salazar-Blanco, Zoning Official, presented an amendment to the amendment before the Board. Ms. Salazar-Blanco indicated after further study and review of the monument text amendment, additional changes were necessary. The updated changes were provided to each Board member on yellow paper as well as photographs. The intent of the amendment is to provide standards for monument signs, which currently does not exist in the Code; the intent is to allow different designs or types as a detached sign on 8th Street and US1. This text amendment would allow different types of designs and in addition to monument signs, to allow to have up to at least three tenants to this monument sign. A monument sign may contain up to three building tenant names subject to the discretion of the Board of Architects (BOA) and with the following conditions and limitations: monument signs structure shall not exceed six feet in height; shall not exceed thirty-two square feet in total area; shall be landscaped subject to the BOA; shall be located a minimum of five feet from any right of way, sidewalk or driveway; only one such sign shall be permitted on any one premises; and, no monument sign shall be placed or constructed in such a manner as to produce an unsafe visual clearance at any intersection or driveway location. Again, the intent of this text amendment is to provide certain criteria for the proposed monument sign and get a better esthetic and design functionality for this type of sign.

In the photographs, for example, the Citibank sign would be considered a monument sign and the Denny's sign would be a pole sign. Ms. Salazar clarified that currently there are no provisions in the Code that would allow multiple tenants. This amendment would allow multiple tenants on a monument sign and not on a pole sign.

Detached signs are only allowed on 8th Street and US1, if they are already there, they probably went for a variance.

Either monument signs or pole signs would be allowed, only one would be allowed; however, only a monument sign would have up to 3 tenants.

There being no further discussion or questions by the Board, Mr. Coe made a motion, which was seconded by Mr. Behar and approved as follows:

Roll Call: Jeff Flanagan, Pat Keon, Javier Salman, Robert Behar, Jack Coe, Eibi Aizenstat, (all ayes)

On a final note, Eric Riel informed the Board that the City of Coral Gables received the Department of Community Affairs' Notice of Intent to find the City's Comprehensive Plan Amendment in compliance with all State of Florida Growth Management Laws. The entire Board congratulated Mr. Riel and his staff on his efforts and achievements.

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Next Planning and Zoning Board Meeting is scheduled for February 10th, the meeting was adjourned at 6:55 p.m.

Attachments:

- A. List of Addresses provided by Carlos Mindreau, City Architect.
- B. Photographs re: ZC Text Amendment "Wall and Fences".
- C. Amendment to Proposed Text Amendment "Signs".
- D. Photographs re: ZC Text Amendment "Signs".

Summary minutes prepared by Jill Menendez.

Article 8 Definition

Monument signs means a free standing sign supported primarily by an internal structural framework or other solid structural features other than support poles. This sign is designed to incorporate design and building materials which compliment the architectural theme of the buildings of the premises.

Section 5-1905. Detached signs.

Detached signs are subject to the following provisions:

A. Specific locations. Except as provided for under Sections 5-1905(B) and 5-1907, detached signs will be permitted only upon premises zoned for commercial or industrial use and facing, abutting and fronting upon U.S. Route 1, (also known as South Dixie Highway) or upon Southwest Eighth Street, subject to the following conditions and restrictions:

1. The face of any such sign shall not exceed thirty-two (32) square feet in area; and the top of the face of such sign shall not be more than six (6) feet above the finished grade of the ground, except that:
 - a. Detached signs, the top of the face thereof being not more than eleven (11) feet above the finished grade of the ground, shall be permitted at the following locations:
 - i. Upon premises abutting and fronting upon Southwest Eighth Street and lying east of LeJeune Road and upon premises lying west of LeJeune Road; and
 - ii. Fronting upon Southwest Eighth Street, where such premises extend as an entity from street to street measured in an east and west direction; and where the building on such premises, or some portion thereof, is at least two (2) stories in height.
 - b. Detached signs, the top of the face thereof, being not more than twelve (12) feet above the finished grade of the ground, shall be permitted upon premises facing, abutting and fronting upon U.S. Route 1 (also known as South Dixie Highway).
2. Foundations shall be of masonry; supporting members shall be of metal or masonry construction; the sign itself shall be metal, masonry or plastic construction.
3. The face of any such sign shall be set back at least five (5) feet from the front or any side property line, except in the case of such signs erected upon premises abutting and fronting upon Southwest Eighth Street east of LeJeune Road, and upon premises abutting and fronting upon Southwest Eighth Street west of LeJeune Road where no front setback shall be required; the sign shall be so set and placed that its centerline is at a normal to, or is parallel with, the front property line; and both faces of the sign, or the face and the back thereof, shall be parallel to each other.
4. Each such sign shall be landscaped as approved or required by the Building and Zoning Department.
5. A monument sign may contain up to three (3) building tenant names subject to the discretion of the Board of Architects and with the following conditions and limitations:
 - a. Monument sign structure shall not exceed six (6) feet in height.
 - b. Monument signs shall not exceed thirty-two (32) square feet in total area.
 - c. Monument signs shall be landscaped subject to the discretion of the Board of Architects.
 - d. Monument signs shall be located a minimum of five (5) feet from any right-of-way, sidewalk or driveway.
 - e. Only one (1) such sign shall be permitted on any one (1) premises.
 - f. No monument sign shall be placed or constructed in such a manner as to produce an unsafe visual clearance at any intersection or driveway location.