

City of Coral Gables City Commission Meeting
Agenda Items F-2 and F-3 are related
September 25, 2018
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Raul Valdes-Fauli
Vice Mayor Frank Quesada
Commissioner Pat Keon
Commissioner Vince Lago
Commissioner Michael Mena

City Staff

City Manager, Peter Iglesias
City Attorney, Miriam Ramos
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia

Public Speaker(s)

Laura Russo
Adam Moskowitz
Peter Zubizarreta
Ramon Rodriguez

Agenda Items F-2 and F-3 are related [0:00:00 p.m.]

An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code, Appendix A, "Site Specific Zoning Regulations," by creating a new subsection, "Section A-58 - Hammock Oaks Harbor Section 2 (F)," providing provisions governing the use of the proposed private yacht basin facility, on property legally described as A portion of Tract E, Block 4 of Hammock Oaks Harbor Section Two (11093 Marin Street), Coral Gables, Florida; providing for a repealer provision, severability clause, codification, and providing for an effective date. (07 11 18 PZB

City Commission Meeting
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Agenda Items F-2 and F-3 are related - Ordinances providing for text amendments to the City of Coral Gables Official Zoning Code providing provisions governing the use of the proposed private yacht basin facility and for eight boat slips on property zoned single-family residential for the property legally described as a portion of Tract E, Block 4 of Hammock Oaks Harbor Section Two (11093 Marin Street), Coral Gables, Florida. Page 1

recommended approval with additional conditions, Vote 5-0) (Add site specific language in the Zoning Code to the property to provide restrictions for the private yacht basin)

An Ordinance of the City Commission of Coral Gables, Florida granting conditional use approval pursuant to Zoning Code Article 3, "Development Review," Division 4, "Conditional Uses," and Article 5, "Development Standards," Division 24, "Private Yacht Basin" for eight (8) boat slips on property zoned single-family residential for the property legally described as a portion of Tract E, Block 4 of Hammock Oaks Harbor Section Two (11093 Marin Street), Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date. (07 11 18 PZB recommended approval with additional conditions, Vote 5-0) (Allow the proposed private yacht basin facility at 11093 Marin Street)

Mayor Valdes-Fauli: F-2 and F-3.

City Attorney Ramos: F-2 and F-3, I will read them both into the record. We can consolidate the public hearing and then two votes would be required. Item F-2 is an ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code, Appendix A, "Site Specific Zoning Regulations," by creating a new subsection, "Section A-58 - Hammock Oaks Harbor Section 2 (F)," providing provisions governing the use of the proposed yacht basin facility, on property legally described as A portion of Tract E, Block 4 of Hammock Oaks Harbor Section Two (11093 Marin Street), Coral Gables, Florida; providing for a repealer provision, severability clause, codification, and providing for an effective date. And F-3 is and ordinance of the City Commission of Coral Gables, Florida granting conditional use approval pursuant to Zoning Code Article 3, "Development Review," Division 4, "Conditional Uses," and Article 5, "Development Standards," Division 24, "Private Yacht Basin" for eight boat slips on property zoned single-family residential for the property legally described as a portion of Tract E, Block 4 of Hammock Oaks Harbor Section Two (11093 Marin Street), Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and providing for an effective date.

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Agenda Items F-2 and F-3 are related - Ordinances providing for text amendments to the City of Coral Gables Official Zoning Code providing provisions governing the use of the proposed private yacht basin facility and for eight boat slips on property zoned single-family residential for the property legally described as a portion of Tract E, Block 4 of Hammock Oaks Harbor Section Two (11093 Marin Street), Coral Gables, Florida. Page 2

Planning and Zoning Director Trias: May I have the PowerPoint, please? There are two requests and they're a little bit unusual, but I think the actual project is very straightforward. There's a sliver of land at the end of this cul-de-sac that's highlighted in green right here, which right now is vacant and it has access directly through the cul-de-sac. And as you can see, it's in an area that is mostly preserved to the south. You recently changed some of the zoning in an industrial parcel, so now it's all preserved south of that. So, that is the location. And the project is a dock, basically, a long dock with eight slips that is located in a -- a little bit further out into the water because of mangroves, and it's accessed from the cul-de-sac and there's parking and landscape and a wall at the beginning, and then the dock itself. The zoning is single-family, and the request is for a Zoning Code text amendment in the site specifics. As you know, we have site specifics in that area in Hammock Oaks and this was an opportunity to tie down some of the requirements, some of the specifics, such as -- that the docks will be for residents only, that there would be no parking on the swales, no commercial operations and the uses would promote safety and welfare. Now, there are some minor amendments done as a result of discussions with the neighbors, but the lawyer for the applicant will present to you. Very minor from the text that was given to you. But, there was a significant effort to try to come to a consensus with the neighbors. So, there's eight docks. There's parking for cars and golf carts. There's security and there's also enhanced landscaping. Those are the regulations. The second request is the conditional use, the site plan review, which allows for the use in this zoning designation. The site plan was submitted and reviewed by all the different departments. And in addition, we had public notification three times, letters to the property owners all throughout the neighborhood. The property was posted four times. There were four times a website posting and one newspaper advertisement. The Zoning Code...

Commissioner Mena: What was the area for the notice? 1,500 feet, 1,000 feet?

Planning and Zoning Director Trias: It was a thousand feet. A thousand feet, yeah.

Commissioner Mena: Which is what, like -- those look like pretty big homes. I guess my question is...

Planning and Zoning Director Trias: There was also the neighbor -- well...

Commissioner Mena: Is that even that whole block or is it like...

Planning and Zoning Director Trias: No. It was more than -- but it was a substantial area of the neighborhood. I -- unfortunately, the map -- I guess we don't have the map.

Mayor Valdes-Fauli: Well, there -- I saw in the picture you sent us boats -- I mean, there's another dock somewhere in there?

Commissioner Mena: Yeah, right adjacent to it.

Planning and Zoning Director Trias: Yeah. The -- yeah, if I could -- I mean, really quickly, maybe the applicant can explain that in more detail, but -- that's hard to see.

Commissioner Lago: And there's going to be no commercial...

Planning and Zoning Director Trias: As we can see north of it...

Commissioner Lago: Yeah.

Planning and Zoning Director Trias: There's docks...

Unidentified Speaker: There are docks...

Commissioner Lago: So, there's no commercial component to this at all?

Planning and Zoning Director Trias: Right.

Commissioner Lago: It continues the same, just residential and the actual boat slips cannot be sold to anyone outside of Hammock Oaks, right?

Planning and Zoning Director Trias: And that is regulated through the site specifics. And again, you have total...

Mayor Valdes-Fauli: We restrict...

Planning and Zoning Director Trias: Control.

Mayor Valdes-Fauli: Usage of the dock to a particular home or is that -- would the dock go together with the home?

Planning and Zoning Director Trias: That was an issue of discussion and I prefer that the applicant explain it as far as the final language on that because I...

City Attorney Ramos: Yes. There's a number of conditions they've agreed to that they will be presenting in a moment.

Mayor Valdes-Fauli: Okay.

City Attorney Ramos: And that is one of them.

Planning and Zoning Director Trias: Yeah. Let's get the latest, and like I said...

Commissioner Mena: Was this acquired as one parcel? This was...

Planning and Zoning Director Trias: Yes. It is one parcel.

Commissioner Mena: And that's zoned single-family?

Planning and Zoning Director Trias: Yes.

Commissioner Mena: What's the width of that?

Vice Mayor Quesada: Barely anything.

Planning and Zoning Director Trias: Very, very thin. It changes -- it's 50 feet at the...

Unidentified Speaker: The mouth.

Planning and Zoning Director Trias: Well, it's 50 feet at the cul-de-sac, then it's 60 and then it narrows a little bit.

Mayor Valdes-Fauli: Ok, go ahead.

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

Mayor Valdes-Fauli: But your recommendation...

Planning and Zoning Director Trias: But, it's similar to what's in the north in terms of the configuration of the docks. That's the request.

Mayor Valdes-Fauli: The recommendation is approval?

Planning and Zoning Director Trias: Yeah, the recommendation is approval with conditions, and the applicant, again, has some revisions to the text.

City Manager Iglesias: And this is also subject to approval by DERM, the County Environmental Resources Management.

Planning and Zoning Director Trias: Thank you very much.

Mayor Valdes-Fauli: The applicant.

Vice Mayor Quesada: Thank you.

Mayor Valdes-Fauli: Good morning.

Commissioner Lago: Good morning.

Laura Russo: Good morning, everybody, Mr. Mayor, members of the Commission. For the record, Laura Russo, with offices at 2655 Le Jeune Road. I am here this morning representing David Cabarrocas, who is the owner of 11093 Marin Street, the owner of the strip of property that runs along the west side of Lake B in Hammock Oaks. And before I commence, I want to answer Commissioner Mena's question. While the City required notice of a thousand feet, since this was in a subdivision, we took it upon ourselves to notice more than the City notice. We did everybody in Hammock Oaks One, Two and Three.

Commissioner Mena: You did everybody.

Ms. Russo: We did everybody.

Commissioner Mena: Thank you.

Ms. Russo: You're welcome. We are here this morning requesting approval for a site specific text amendment in the Hammock Oaks subdivision section of the Zoning Code, in addition to conditional use approval for this -- thank you. I have allergies, I think, to this building. As Mr. Trias told you, we appeared before the Planning and Zoning Board. We received approval. There were some neighbors who had some issues. We sat down and dealt with them. So, I'm going to pass out to you some minor amendments that were made to the proposed text amendments that we have that are a bit more restrictive. So, we had some neighbors that were a little concerned. So, the time -- originally, the concept was that the docks were to be for anybody who owned a property within Hammock Oaks, within the subdivision. There was a lot of discussion at Planning and Zoning. There were some questions that came up. We decided to make it easier. And in order to, in essence, mimic the docks that are on the south side of the lake -- there are some docks -- and I'll show you in a minute with the aerial -- that we would restrict it with a unity of title. So, when someone purchases a dock -- and it can only be sold to someone within Hammock Oaks One, Two or Three -- at that point, the dock and the home will travel together. So, the other minor amendments that we made is, at the request of some neighbors, not to have trash containers on site for pickup. There will be a dispensary that will give trash bags, but everybody lives in the neighborhood. So, the idea is not to have any trash containers on site, but that everybody goes and takes their trash home after they've spent a day of boating and then it gets picked up as it normally does in their residential properties. And may I pass along the minor amendments. I apologize that they're in my handwriting.

Commissioner Lago: Thank you.

Mayor Valdes-Fauli: Thank you.

Ms. Russo: As you can see from the rendering that we have up, there is going to be a wall along the cul-de-sac on Marin Street. There will be a vehicular gate, as well as a pedestrian gate that will be for access, so that others cannot use the facility. The facility is strictly for members of

Hammock Oaks. There will be landscaping on the boundary with the neighbor to the east, I believe it is, or to the abutting neighborhood. There will be landscaping on that side. We have provided for now one car parking space and the rest are eight spaces for golf carts, and the golf carts have to be electric. One of the minor revisions that was made is that there be no overnight car parking. The other is that -- I think I've covered them both -- owner shall take their trash to their respective residential containers on their properties for regular pickup. We respectfully request that you approve this. The rendering that you're seeing there has gone before the Board of Architects and has received approval. The plans have received preliminary approval from DERM, and preliminary approval from the Army Corps of Engineers is expected any day now. At that point, they will be -- plans will be submitted and we'll be working with the City's Public Works Department. If you have any questions, we're happy to answer them. But at this point, I'll respectfully request approval for both -- the two items before you, the ordinance for the site-specific text amendment and for the conditional use approval.

Commissioner Mena: The -- you mentioned there was some pushback from some neighbors. Was it just the direct adjacent property or were there other neighbors?

Ms. Russo: There was -- we actually had two different neighborhood meetings. The first one was we appeared before the homeowners' association and we presented the plans. Then we had the neighborhood meeting, which included all of Hammock Oaks -- One, Two and Three -- and then there were neighbors who appeared at the Planning and Zoning Board. So, we've been meeting with different neighbors. And, some of the neighbors who actually own docks on the other side of the lake provided us with some helpful suggestions to make this operate better. So, it really became a lot of community involvement. So, we listened to everybody, and where we could, we made revisions. I presented these revisions to staff yesterday, so that they could have them. And you know, I promised the neighbors that I would present them here as part of our application.

Mayor Valdes-Fauli: Thank you.

Ms. Russo: You're welcome.

Mayor Valdes-Fauli: We have three people who wish to speak. Adam Moskowitz.

Adam Moskowitz: Good morning.

Mayor Valdes-Fauli: Good morning.

Mr. Moskowitz: Good morning, Mayor. Good morning, Commissioners. It's an honor to come before the council. My address is 412 -- 414 Rovino Avenue. I'm a Hammock Oaks resident. I bought the house next to where I originally lived. I live with my wife, Jessica, and my three little children, who are eight, six and four -- six and five. My -- I love Hammock Oaks. My friend's parents built Hammock Oaks, so it's always been a great thrill of mine to get to live there. And I am now on the homeowners' association with my wife and with Peter, who's the president of our homeowners' association. When this was first proposed, I was very skeptical. I'm a lawyer. I have my law practice here in Coral Gables for 25 years. I do class action litigation. And, I was always not that happy with the current docks that exist. There are eight docks that have been there for 20 years.

Ms. Russo: Eleven.

Mr. Moskowitz: Eleven. Eleven docks that have been there for about 20 years, and I wouldn't take my children to that area. It's not really well done. It wasn't passed with any strict ordinances. The people just built their docks. But you can't really walk around this area here. There's no security. There's no development. There's no trees. There's no sidewalk. I mean, it's kind of risky. I wouldn't take my son to go fishing there. So, when I heard David's idea, I was skeptical. And I said, before I approve anything, I want to know the details. I want to see the plans. I want to see what you're going to do because what exists already for 25 years, to me,

is not acceptable. And he's done an amazing job. I mean, I really respect the man. I flew back from New York. I had some work there yesterday, but I came specifically to come to this meeting to say this guy's really put his life savings toward this project. I've checked it out. I think it's a wonderful project. I'd like to get a dock. I think it's going to increase the value of our homes. My wife and I have talked to almost every resident. Everybody supports it. There's a few people that had docks already that had some issues with this new area, nobody else. I don't think there's a single person who didn't have a dock who opposed it. But we've had a bunch of these meetings. I came to the zoning committee meeting, and we've had two homeowners' association meetings. And I think now it's uniform consensus. I think all -- I think there's 200 residents. I don't think there's anyone against today, so I think it's a wonderful idea. It's a beautiful area. It's not large. It's a little park that we could take our kids to and fish off of and get the docks. And I think it's a great idea.

Mayor Valdes-Fauli: Thank you, sir.

Mr. Moskowitz: And we really support it.

Mayor Valdes-Fauli: Thank you.

Mr. Moskowitz: Thank you.

Mayor Valdes-Fauli: Thank you very much.

Commissioner Lago: Thank you.

Mayor Valdes-Fauli: Peter Zubizarreta. Good morning.

Peter Zubizarreta: Good morning, Mayor and Commissioners. My name is Peter Zubizarreta. I live at 490 Campana Avenue. I'm the president of the homeowners' association at Hammock

Oaks. And I have to tell you, when this project was first proposed, we had really both sides. We had some people in opposition, some people that were in favor. I think some of the concerns of the opposition was about are we going to have people outside of the community coming into Hammock Oaks and purchasing docks. There was concerns about parking and there was concerns about trash. I think all those things have been addressed. Right now, what I'm hearing is mostly people that are in favor. I think the people that are -- most that are in opposition are those that already have docks. And I have a dock. I don't need more docks. I could tell you a little bit about the community is we have 100 homes in Hammock Oaks, so we might have a handful of people that are in opposition that already have docks, but there's many more people in the community that can benefit from having a dock. And what our neighbors across the street, Snapper Creek, they have a well-functioning marina and it does add a lot of value to the community. Thank you.

Mayor Valdes-Fauli: Thank you, sir. Ramon Rodriguez. Morning.

Ramon Rodriguez: Good morning. How is everybody, committee?

Unidentified Speaker: Morning.

Mr. Rodriguez: I live at 480 Campana. I've been living there since 1996. I've raised my four daughters there. Know that whole area back there very well. My kids have rummaged -- it is a little dangerous back there, as Mr. Moskowitz said. But you know, it's a benefit having a basin - - a marina basin in any neighborhood. One of the things that attracted to me to Hammock Oaks, I didn't have -- I had the lake behind the house, but I did not have water access. Right now, I'm renting the dock back there, but when the opportunity came and David presented it -- and I've known Mr. Cabarocas for a long time. He's a very good gentleman, a quality guy. And so, when he proposed this, I -- you know, I -- a lot of the concerns that all the residents have had, I had as well. But at the end of the day, what they're presenting is a solid plan. It's better than what's there now and will benefit another additional eight owners in Hammock Oaks, which is

only a huge benefit to those who enjoy boating, as I do. I've been boating my whole life. I grew up in Key Biscayne and now live there. So, I just want to definitely give my a hundred percent support and I wish that the committee passes this.

Mayor Valdes-Fauli: Thank you, sir. Thank you...

Commissioner Lago: Thank you, sir.

Mayor Valdes-Fauli: Very much. Is there a motion from the Commission?

Commissioner Mena: Is there -- the text amendments that were worked out here, Ms. Russo, are these -- are the immediate neighbors here in the cul-de-sac? This was in conjunction...

Ms. Russo: Yes, that was.

Commissioner Mena: So, now...

Ms. Russo: Yes, absolutely.

Commissioner Mena: So, with these amendments, they are comfortable?

Ms. Russo: Yes. That is correct.

Mayor Valdes-Fauli: (INAUDIBLE) spoke before, yeah.

Ms. Russo: Yes.

City Attorney Ramos: So, there should be two separate motions; one on F-2 and one on F-3.

Mayor Valdes-Fauli: F-2.

Vice Mayor Quesada: So moved on F-1 (sic).

Mayor Valdes-Fauli: Second?

Commissioner Lago: Second.

Mayor Valdes-Fauli: Will you call the roll, please?

Commissioner Mena: Yes.

Vice Mayor Quesada: Yes.

Commissioner Keon: Yes.

Commissioner Lago: Yes.

Mayor Valdes-Fauli: Yes.

(Vote: 5-0)

City Attorney Ramos: And that was F-2, for the record. I think you said F-1 by accident.

Vice Mayor Quesada: My apologies.

City Attorney Ramos: No problem. F-3.

Vice Mayor Quesada: So moved on F-3.

Mayor Valdes-Fauli: Will you call the roll...

Commissioner Lago: Second.

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Mayor Valdes-Fauli: Second. Will you call the roll, please?

Vice Mayor Quesada: Yes.

Commissioner Keon: Yes.

Commissioner Lago: Yes.

Commissioner Mena: Yes.

Mayor Valdes-Fauli: Yes.

(Vote: 5-0)

Ms. Russo: Thank you all very much.

Mayor Valdes-Fauli: Thank you very much.

Commissioner Keon: Do you want this back for...

Mayor Valdes-Fauli: Laura.

Commissioner Keon: The next...

Mayor Valdes-Fauli: Let's take a ten-minute break.

Commissioner Mena: I just --- I just want -- Laura, I just want to thank you for...

Mayor Valdes-Fauli: Very good presentation.

Commissioner Mena: Making a broader notice than required, because I think it's a lot -- very helpful for us.

Ms. Russo: Well, especially when it was in an area where you didn't want someone saying you're doing something for my neighborhood...

Commissioner Mena: Right.

Ms. Russo: That I didn't get notice.

Commissioner Mena: Right.

Commissioner Lago: But, I also want to just -- and what Commissioner Mena mentioned, our notices here are four and five times the notice of other cities...

Commissioner Mena: Right.

Commissioner Lago: And the County. I mean, in certain other cities, it's 200 and 250 feet. I mean, in our case, we're at 1,500, in certain cases. So, we're trying to reach as many people as possible.

Commissioner Mena: Yeah.

City Manager Iglesias: Commissioner, (INAUDIBLE) other cities...

Mayor Valdes-Fauli: Let's be back in ten minutes.

City Manager Iglesias: Four or three times.

Commissioner Lago: But your point is well taken.

Commissioner Mena: I'm saying, in a gated community like that.