

City of Coral Gables City Commission Meeting
Agenda Item F-3
April 12, 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

Commissioner Kirk Menendez

City Staff

City Manager, Peter Iglesias

City Attorney, Miriam Ramos

City Clerk, Billy Urquia

Planning and Zoning Director, Ramon Trias

Public Speaker(s)

Agenda Item F-3 are related [10:48 a.m.]

An Ordinance of the City Commission providing for text amendments to the City of Coral Gables Official Zoning Code, Article 4, "Zoning Districts," Section 2-100, "Residential Districts," to increase the interior side setback of certain Multi-Family 3 (MF3) properties; providing for severability clause, repealer provision, codification, and providing for an effective date.

Mayor Lago: F-3, Commissioner Anderson's first reading ordinance.

City Attorney Ramos: F-3 is an ordinance of the City Commission providing for text amendments to the City of Coral Gables Official Zoning Code, Article 4, "Zoning Districts," Section 2-100, "Residential Districts," to increase the interior side setback of certain MF3 properties; providing for severability clause, repealer provision, codification, and providing for an effective date. This is a public hearing item. Mr. Trias.

Planning and Zoning Director Trias: Mayor, the language of this ordinance was slightly changed thanks to Commissioner Anderson's comment, and I think it works very well right now. It simply says that there should be a five foot setback as long as the property is next to a property that is not a townhouse. So, I think that resolves any issues of conflicts of building types, et cetera. And if the Commissioner wants to explain it better, I think that -- but I think it's very straightforward.

Mayor Lago: Commissioner...

Commissioner Anderson: I think it's straightforward too, but it helps resolve some of the issues where you have a multistory apartment building, whether it's historic or not, to not have them looking out at a blank wall at the end of a townhome. And so, you have the five-foot setback, you can have a finished end on it or whatever else that the Planning Department says, whether it's planting material or whatnot in between the properties and not have the disputes then that arise where, you know, if they want to finish their wall, if they want to paint their wall, if they want to do anything on their wall, it's not an issue on the townhome side.

Mayor Lago: So, quick question.

Commissioner Anderson: Does anybody have any questions?

Mayor Lago: Yeah, I do, Commissioner. So, we dealt with this issue about a year ago, where we had one neighbor would not allow a developer of a row home project -- which is a very nice row

home project in the downtown in a beautiful tree-lined street -- access to their property so that they could bring in a swing lift or a boom lift, swing stage of some sort to finish their portion of the property so it could be something beautiful for the neighboring community. That went on -- that dispute went on for some time. Thank God we were able to find some sort of resolution and the issue was addressed. My only concern here -- and I support this -- is the issue of how is this going to affect parking and construction when you enforce this type of setback, when you extend the setback. Is it going to address -- is it going to affect issues, for example, of, you know, the way that cars are situated, garage doors? Is it going to tighten up the footprint, obviously, of a property? How is that going to affect them? Because the last thing I want to see is -- pass an ordinance and then everybody's coming for a variance in the future.

Planning and Zoning Director Trias: Sure. It does tighten the development partial -- slightly. But generally speaking, this extra feet, in most projects, there are multiple units. Now, if you have a project that has two units, for example, that's where the issue may come.

Mayor Lago: Yes.

Planning and Zoning Director Trias: The way around this is that it's not a required five feet if you have another townhouse next to you.

Mayor Lago: Okay.

Planning and Zoning Director Trias: So, in that case, it will be just like it is right now. It's only when there's an existing developed parcel next to you, a building that is already there that is not a townhouse that this would apply.

Mayor Lago: But for example, you were talking about a multiple unit project. Those are less affected because if you have like, let's say, five feet -- five different homes, you could cut a foot from each property and just move it over.

Planning and Zoning Director Trias: Correct.

Mayor Lago: But if you have something, for example, like two feet, like two homes, it makes it a lot more difficult to be able to fit the actual garage door.

City Manager Iglesias: Mayor, many of these projects have to be re-platted because townhouses are generally made at 25-foot intervals and you own to the middle of that -- you know, half and half, where your wall -- until the end. If you have multiple projects, the corner will have a ten-foot setback, and then the last unit would be 20 feet. It depends on the actual width of the actual platting whether it's going to be an issue or not. But you generally have townhouses on a 25-foot -- they're 25-foot lots, and you own to the middle of the block. You have an alley in the back, and you have access to your garage out of the back. So, what it would mean, it would be that the last unit would be 20 feet instead of 25 feet, unless it's to a town -- a -- unless the lot next to it is a townhouse or unless it's not developed. So, it's only for developed property. Let's clarify that.

Commissioner Anderson: Yeah. It will not affect undeveloped properties. Certainly, a developer can buy the adjacent property. We do have undesignated historic buildings in the City because owners don't want them designated. My father-in-law was one of them, you know. He didn't want his building designated because he didn't want to go through the rigors of, you know, the review that's required for fixing a toilet or things of that nature. And the 700 block of Almeria was a good example of that, where you have a historic building that's not designated. We shouldn't have to force people to designate their buildings in order to, you know, at least have a reasonable setback. But it was a misunderstanding, I think, by the developer of the project that it wasn't designated historic and they're not going to finish the end of the building. That building -- the end of that

building probably should have been finished with a more decorative end instead of a simple blank wall. It would have been a much nicer project. Most garage doors, double car garage doors are less than 20 feet. My driveway is 19 feet. I got a two-car garage. A lot of these developments coming in with these townhomes have four-car garages, so if they have enough room for four-car garages in the typical townhome, double stacked on the cars with a typical two-car -- a typical garage door for a two-car garage...

City Manager Iglesias: Tandem parking.

Commissioner Anderson: Yeah.

City Manager Iglesias: Tandem parking.

Commissioner Anderson: Tandem parking. Then I don't see where, you know, this five foot should rob anybody of any significant development rights. I think it just could -- it'll make a nicer project. You're going to have a finished end on that building. It's going to be a beautiful project as opposed to a blank wall on the end.

City Manager Iglesias: It makes the last unit 20 feet instead of 25, that's what...

Commissioner Anderson: That's it. That's...

City Manager Iglesias: That's what it does.

Vice Mayor Mena: Well, to the Mayor's point, unless you space it out over the...

Mayor Lago: Yeah, unless you space it out over five.

Vice Mayor Mena: You could make each of the five units 24.

Commissioner Anderson: Right.

City Manager Iglesias: You could if you re-plat. Very unusual, because generally townhouses are based on a 25-foot...

Commissioner Anderson: Yeah, a few inches here and there will make a difference.

Vice Mayor Mena: When you said it won't affect undeveloped properties, I think you said? Maybe I misunderstood you. What do you mean by that?

Commissioner Anderson: Well, if you're...

Vice Mayor Mena: You're saying if the adjacent property is undeveloped.

Commissioner Anderson: If the adjacent property is undeveloped, this does not apply.

Vice Mayor Mena: So, they would still go all the way to the...

Planning and Zoning Director Trias: That's the exact language. Exactly -- it says exactly that. It says any developed property. It only applies to developed properties.

Vice Mayor Mena: Adjacent.

Planning and Zoning Director Trias: Adjacent, yes.

Commissioner Anderson: Adjacent, so we're really doing this to protect existing buildings that are on there, so if we have an apartment building in a block and the rest of it's zoned townhomes, but that apartment building is not going to be torn down and made part of the project, then you don't have, you know, a situation where you basically reach out and touch the wall of the next building.

Vice Mayor Mena: Do we currently --? If you currently have an existing, let's say, apartment building next to a setback and somebody's building a townhouse all the way to the lot line, is it required that the wall at the end be all wall, or are they allowed to have windows?

City Manager Iglesias: It's a Building Code requirement.

Planning and Zoning Director Trias: Right, correct.

City Manager Iglesias: It's a Building Code requirement.

Vice Mayor Mena: It is, right? So, it has to be a whole...

City Manager Iglesias: If you have zero...

Vice Mayor Mena: Wall?

City Manager Iglesias: Setback, it has to be a fire division.

Planning and Zoning Director Trias: It has to be a solid firewall.

Vice Mayor Mena: Right.

Planning and Zoning Director Trias: By the Building Code.

City Manager Iglesias: It's not a Zoning Code, it's a Building Code requirement.

Vice Mayor Mena: Okay.

Commissioner Anderson: Yeah. And I did speak to the architect that designed it. They said in projects where the building had been designated historic, they would finish it off on the end. Now, what they meant by finishing it off, I didn't probe as to whether or not there could be windows in it, so it would be more of a wrap-around, like corner unit, as opposed to the blank wall appearance that we ended up with on the 700 block of Almeria. But at least we could have some decorative architecture...

City Manager Iglesias: A five-foot...

Commissioner Anderson: On it.

City Manager Iglesias: Setback would allow a percentage fenestration.

Vice Mayor Mena: Yep.

Commissioner Fors: I had heard -- I think it was a prior version as you were working on this that didn't have the distinction of undeveloped or -- yeah, it didn't have the distinction of undeveloped land or another townhome.

Planning and Zoning Director Trias: The townhome was not included in the prior version.

Commissioner Anderson: That was the only thing that was missing.

Commissioner Fors: Okay.

Commissioner Anderson: And it was brought to my attention, and it wasn't the intention...

Planning and Zoning Director Trias: Yeah. That's the...

Commissioner Anderson: To do that.

Planning and Zoning Director Trias: Version that went to Planning and Zoning, and then we talked to the Commissioner.

Commissioner Fors: Right. Yeah, so I had heard from one resident who had an objection to the prior version of it. I circled back with them, and they are now comfortable with this version of it. I'm not sure how many instances this is going to -- this ordinance is going to actually end up applying to, but at least from my standpoint, the one person that contacted me regarding the objection is now satisfied with the new version of it. I would encourage, if this passes today, anybody who feels like their property rights are being infringed upon in any way, shape, or form to reach out to us so we can work through it before second reading of the ordinance.

Vice Mayor Mena: Yeah, that's a good point. Because I -- my only reservation is that, right, is the impact on the existing property owner.

Planning and Zoning Director Trias: I think if the parcel is, let's say, two lots and there's no alley, there may be an impact. When the parcel is larger and there's an alley, I don't think the impact will be...

Commissioner Fors: There's -- right, and that's what I heard. That's how it was explained to me. And this person was also of the opinion that building a townhouse in that context where there is no alley is probably not a good way to do it anyway.

Planning and Zoning Director Trias: It's not.

Commissioner Fors: And that really you want to have that alley there. And if the alley's there, then this doesn't interfere with your ability to do it so...

City Manager Iglesias: Most of our townhouse projects are where there's an alley...

Commissioner Fors: Right.

City Manager Iglesias: And they're already platted at 25 feet.

Commissioner Fors: Right, yeah.

City Manager Iglesias: And what we had before was not -- that's not a constructability issue. I think the contractor did not think of the fact that they were on that property, but there's a myriad of ways of doing that, slip forming, all kinds of issues that -- you can work with that. With the construction, you work with that ahead of time.

Vice Mayor Mena: What do you consider, for example -- and there -- and maybe the Mayor knows. There's homes over near the University of Miami on the waterway there off of like Riviera and -- is that Blue?

Mayor Lago: Yep. Blue...

Vice Mayor Mena: You know what I'm talking about?

Mayor Lago: Blue and University.

Vice Mayor Mena: Behind Doctors Hospital.

Mayor Lago: Blue and University.

Vice Mayor Mena: Blue and U...

Commissioner Anderson: Yeah.

Mayor Lago: Yep.

Commissioner Anderson: Yeah, I walked all those.

Vice Mayor Mena: Are those townhomes? Are those duplexes? Like what...

Planning and Zoning Director Trias: I think those are duplexes.

Mayor Lago: Duplexes.

Vice Mayor Mena: They're just duplexes.

Planning and Zoning Director Trias: If I remember, yeah.

Vice Mayor Mena: They're two-story duplexes.

Mayor Lago: Yes.

Planning and Zoning Director Trias: Yes, they're duplexes (INAUDIBLE).

Vice Mayor Mena: I guess my question -- well, next question would be what's the difference between two-story duplexes and two townhomes next to each other?

Planning and Zoning Director Trias: The setback that is required for the duplex, I think -- I mean, from the point of view of the discussion we're having right now, yes.

Commissioner Anderson: The front setback you're talking about.

Planning and Zoning Director Trias: And the side setback also because duplexes are required to have a setback.

City Manager Iglesias: I believe the Vice Mayor's talking about the Duany project. I'm not sure if those are...

Vice Mayor Mena: No, no, no, no. They're other...

Planning and Zoning Director Trias: No.

Vice Mayor Mena: There's other buildings there on the waterway right behind Doctors Hospital.

Mayor Lago: There's one on the corner of University and Blue...

Vice Mayor Mena: Yeah.

Mayor Lago: That (INAUDIBLE).

Planning and Zoning Director Trias: The ones next to the parking lot.

City Manager Iglesias: Oh, okay.

Planning and Zoning Director Trias: Yeah.

City Manager Iglesias: I thought you were...

Planning and Zoning Director Trias: I think those are the ones.

City Manager Iglesias: Talking about the white buildings, the one that it's...

Vice Mayor Mena: No, no, no.

City Manager Iglesias: Okay.

Commissioner Anderson: Yeah, they're practically connected so...

Planning and Zoning Director Trias: Yeah.

Commissioner Anderson: Then I'll ask you this question. Is that currently permitted under the Code?

Planning and Zoning Director Trias: I think that was a PAD, I think, but I -- that's before my time. I really don't know.

City Manager Iglesias: Townhomes are -- townhouses are different when you own the property. You actually -- it's platted at 25 feet. Your property goes to the middle of the block between you and that solid block separating those. So, townhomes are different than a duplex, which doesn't require ownership or that kind of fire division.

Vice Mayor Mena: Got you. Yeah, so -- yeah, I guess that makes sense.

Commissioner Fors: And then correct me if I'm wrong, but if somebody was to come and purchase those and wanted to -- well, it's not zoned for townhouses there.

Planning and Zoning Director Trias: Right. It would have to...

Vice Mayor Mena: Yeah.

Planning and Zoning Director Trias: Be rezoned and change of land use. It's a significant decision by the Commission.

Vice Mayor Mena: I'm just -- I'm asking because of what you said -- right? -- which is if you have, for example, two townhomes and no alley, that's why I was asking about those -- because those are duplexes, I guess, they're not townhomes.

City Manager Iglesias: Well...

Vice Mayor Mena: But -- so this wouldn't apply?

Planning and Zoning Director Trias: Yeah. The issue is that the duplex has a side setback requirement always. And right now, the townhouse doesn't. However, (INAUDIBLE) before you that there will be a five-foot setback if there's a building next to you.

Vice Mayor Mena: I mean, but is there --? So, from your view, is there something else that should be considered as part of this so that...

Planning and Zoning Director Trias: Maybe a minimum size parcel so to avoid the issue that if you only have a very small project and there's no alley, then it's a hardship maybe. I mean, that's the only thing I could think of.

Vice Mayor Mena: I mean, I guess...

Planning and Zoning Director Trias: Like let's say at least 75 feet of frontage or something like that.

Vice Mayor Mena: So, I mean, look, I'm not the sponsor of the item, but I'll support it today on first reading, but that's my concern, is just...

Planning and Zoning Director Trias: Right.

Vice Mayor Mena: Making sure that I also don't want to infringe on the existing owner's rights. And if you think there's something that could be added to this, whether it's a minimum sized parcel and the sponsor is amenable to it, maybe next time we come back be prepared...

Planning and Zoning Director Trias: Yeah.

Vice Mayor Mena: To discuss that possibility.

Planning and Zoning Director Trias: Sure, if there's a person that has some concerns, it would be good to listen to them because they're very minor. I mean, the (INAUDIBLE) of exceptions to the rule are very -- just a few so...

Commissioner Anderson: Yeah, there's...

Planning and Zoning Director Trias: Yeah.

Commissioner Anderson: There's really not many parcels left that this...

Planning and Zoning Director Trias: Right.

Commissioner Anderson: Would apply to. And the one person that did come to me, you know, we sat down, we went through it to make sure that there wasn't going to be a conflict because if you have a townhome and a townhome, there's no need for this setback where you have a parcel in the middle of a sandwich that you want to build. So, we certainly don't want it to apply to that. That's not the intent of this at all. This is to avoid, you know, having it slam up against a...

Planning and Zoning Director Trias: We...

Commissioner Anderson: Apartment buildings and homes.

Vice Mayor Mena: Now, what if -- now, I'm just brainstorming.

Commissioner Anderson: Sure, sure.

Vice Mayor Mena: But...

Commissioner Anderson: That's good.

Vice Mayor Mena: What if -- you could have, for example, an existing old apartment building next door, somebody's coming through redeveloping the adjacent lot with townhomes. They'd like to go to the lot line, but this will not preclude them from doing that, hypothetically, they have the setback. But maybe the person who owns the building next door is also considering building townhomes in the future and would rather that they go to the setback, and they could go to the setback. So, I just -- we're basing this off what is currently there...

Planning and Zoning Director Trias: Yes.

Vice Mayor Mena: Physically next door as opposed to what could be there.

Planning and Zoning Director Trias: Yes.

Vice Mayor Mena: And particularly, in some of these areas where we do have older apartment buildings, that's another concern I have of just things change and now they're both subject to this setback and maybe both owners would have preferred to build to the lot line with townhomes.

Commissioner Fors: Well, the second one won't...

Vice Mayor Mena: Won't be able to anymore.

Commissioner Fors: Won't be subjected to it. No, the second one will because they'll build -- they'll have a townhouse next to them.

Planning and Zoning Director Trias: Yes.

Commissioner Fors: The problem is...

Commissioner Anderson: So...

Commissioner Fors: That first person would have already built with the five-foot setback.

Vice Mayor Mena: No, but if the person redeveloping this lot -- because there's a building next door, an apartment building -- now is subject to a five-foot setback.

Commissioner Fors: Right.

Vice Mayor Mena: Now when the second person comes along, they're also going to be subject to the five-foot setback.

Commissioner Fors: Right.

Vice Mayor Mena: Right?

Planning and Zoning Director Trias: Yeah, actually, no because...

City Manager Iglesias: No.

Commissioner Anderson: No.

Planning and Zoning Director Trias: There's no townhouse next to them.

Commissioner Fors: Well, they won't, but the fact the setback will be there.

City Manager Iglesias: They would not, but you'd have a five-foot paseo.

Planning and Zoning Director Trias: Yeah.

Commissioner Fors: Right.

Commissioner Anderson: Well, not necessarily. What precludes them from reaching an agreement between the parties? I'll buy your five feet -- you know, because the whole intent of this is to avoid, you know, the situation with the apartment building where you have a blank wall that you're looking at as opposed to something that looks nice.

Planning and Zoning Director Trias: Yeah, we -- the good news is that you can have windows and that setback of the five feet, so it's not a terrible design solution. However, I would advise you not to try to micromanage through the Zoning Code. It's very difficult. I think that we have variance processes. We have the Board of Architects. We have our (INAUDIBLE)...

Vice Mayor Mena: But I feel like I'm misunderstanding something because of the scenario I just described. So, if somebody now builds a townhome, but with a required five-foot setback...

Commissioner Anderson: Right.

Vice Mayor Mena: And then a year from now, the adjacent property is being redeveloped and they want to build townhomes, would they --? And they -- the lot next to them now is what? It's a townhome, but with a five-foot setback.

City Manager Iglesias: Vice Mayor, if...

Vice Mayor Mena: Are they subject to a five-foot setback now, or not?

Mayor Lago: So, ten in total?

Commissioner Anderson: Not.

Vice Mayor Mena: So, they're not?

City Attorney Ramos: They're not.

Commissioner Menendez: They're not.

City Attorney Ramos: It says except townhomes.

Vice Mayor Mena: But how is that different?

City Manager Iglesias: No, no.

Commissioner Anderson: Well, it -- look at what -- you know, one is townhome next to townhome. And the likelihood that you're going to run into that scenario right now really doesn't exist with what we have out there in the way of zone areas that are townhomes. Okay, we have a few exceptions where we have some historic -- a historic building, a property owner that doesn't want to sell and doesn't want the building designated as historic, okay.

Vice Mayor Mena: Yeah, but...

Commissioner Anderson: So...

Vice Mayor Mena: What I'm not understanding again is if I'm coming in and you're saying, "No, you can't build to the lot line anymore because they have a five-foot setback," and you're going to build all the way to the lot line and you're going to be right -- only five feet away. You could reach out and touch it, like you said. So, now I build with a five-foot setback. You're telling me they're going to come in a year and build to the property line now?

City Manager Iglesias: Can I answer?

Commissioner Anderson: Well...

City Manager Iglesias: I will -- yes, let me answer that question. If there's an existing building, apartment building in an area where it's zoned 25 feet, which you could have a 100 foot or 150 feet and you could build townhouses, and that building is there, you'd have to provide a five-foot setback. If they tear down the building and come back and make those six lots into townhouses, they would not be required the five-foot setback.

Vice Mayor Mena: No, but you're giving a different...

Commissioner Anderson: So...

Vice Mayor Mena: Time out.

City Manager Iglesias: No, no, no. That's what you're asking.

Planning and Zoning Director Trias: Vice Mayor, you are correct. You're correct.

Vice Mayor Mena: No, that's not what I'm asking. You're now adjoining the lots.

City Manager Iglesias: No, no. I'm not adjoining the lots. I'm saying that you have a separate townhouse

Vice Mayor Mena: I come in, I build a townhouse, and I have a five-foot setback.

City Manager Iglesias: Right.

Vice Mayor Mena: Because this requires me to. I build, I'm done, goodbye. Ten years from now, the apartment building next door gets knocked down, and they want to build townhomes.

City Manager Iglesias: They don't need a...

Vice Mayor Mena: Enter the...

City Manager Iglesias: Five-foot setback. They don't need a five-foot setback.

Commissioner Fors: But the...

Vice Mayor Mena: But that's not fair.

Commissioner Fors: But the one...

City Manager Iglesias: Because you have townhouses next door.

(MULTIPLE PARTIES SPEAKING IN UNISON)

Planning and Zoning Director Trias: Vice Mayor...

Commissioner Anderson: But this is...

City Manager Iglesias: That's exactly what I'm saying.

Commissioner Anderson: This is...

City Manager Iglesias: You don't need a five-foot setback because you're building two townhouses.

Commissioner Fors: Well, but then we have a dead space...

City Manager Iglesias: You're building to...

Commissioner Fors: Of five feet there.

City Manager Iglesias: (INAUDIBLE) development.

Commissioner Anderson: No...

City Manager Iglesias: You're left with a five-foot...

Commissioner Anderson: No, you won't. Let's be practical here.

Planning and Zoning Director Trias: Yes.

Commissioner Anderson: The same thing's going to happen what happened to my block. There's a historic apartment building. It's not been designated historic yet at the time that they went ahead and did this. They bought a piece of -- you know, I wasn't around. The prior owner sold off the

backyard, and they bought a piece from the apartment building, and they made it into one lot. And that's most likely what's going to happen. No one's going to want to have a bowling alley in between these two buildings. They're going to buy the five feet.

Vice Mayor Mena: I mean...

Planning and Zoning Director Trias: That is the correct analysis based on the language. Yes, sir. That's what it says.

City Manager Iglesias: You would have -- unless you -- unless the property next door picks up that five feet...

Vice Mayor Mena: No, but that's...

City Manager Iglesias: You'd be left...

Vice Mayor Mena: A hypothetical that I cannot account for.

City Manager Iglesias: You would be left with five feet. You would be left...

Vice Mayor Mena: And maybe they don't want to sell the five feet because it has value because it's land.

City Manager Iglesias: Then you have a five-foot...

Vice Mayor Mena: That's not...

City Manager Iglesias: You have a five-foot...

Vice Mayor Mena: I mean...

City Manager Iglesias: Paseo.

Planning and Zoning Director Trias: You have identified one of the weaknesses of the ordinance. Maybe there's a better way to explain it, but yeah, if things change, things change. So, what happens is...

Vice Mayor Mena: I think what's good for the goose is good for the gander. If I have to -- if I cannot build to my lot line because you're next door with a five-foot setback, now you're going to come back after the fact, and you do get to build to the lot line while I had to lose five feet? I don't -- that -- to me, there's an inconsistency there that I'm not...

Planning and Zoning Director Trias: We can think of...

Mayor Lago: So, why don't we do this? I think the Vice Mayor makes some very good points, along with Commissioner Anderson. So, why don't we move forward on first reading, and we provide a little further clarity in regards to these issues to ensure that -- again, I don't want to pass legislation that I have to come back and then just continue to make exceptions for people. This is the Code, it's the Code. If we make exceptions, it's for public benefits, in my opinion. That's what we make exceptions for.

Vice Mayor Mena: But we'll take...

Commissioner Anderson: So...

Vice Mayor Mena: But, you know, this is taking away a little bit from what those people can currently build, right? And so...

Planning and Zoning Director Trias: Yes.

Vice Mayor Mena: I'm always -- makes me anxious to do that because, you know, people -- they buy these properties, they have plans. They invest, you know, their savings, or they even invest, you know, maybe their partner's monies, you know, whatever it is. They have a plan, and we're now going to say you can't build, you know, five times whatever, and that's going to cut into their bottom line. Now, if the -- I understand the countervailing point is the impact on the adjacent building.

Commissioner Anderson: It's...

Vice Mayor Mena: So, those are the concerns I have. I have the minimum sized parcel concern, and the issue I just highlighted. To me, that's unfair.

Commissioner Anderson: Alright, so...

Vice Mayor Mena: I think if I had to come in and have a five-foot setback, they shouldn't be able to come in down the road and build to the lot line. I don't understand how that's...

Commissioner Anderson: Well, in the meantime, go by 700 Almeria and look at the architecture, beautiful architecture on the front. On the end of the building, it just is not finished, so this is addressing that as well, so we can finish the buildings and make them look nice. That was the impetus for this piece.

Vice Mayor Mena: But what does this say about...

Commissioner Anderson: We need...

Vice Mayor Mena: Finishing it nicely?

Commissioner Anderson: Well, I mean, I think...

Planning and Zoning Director Trias: Well...

Commissioner Anderson: Well, we can't assume that everything's going to be torn down. We can't assume it's going to burn. We don't know what tomorrow's going to bring, but we do know that in a line of townhomes like that, you spread out five feet, it's not going to be felt.

Planning and Zoning Director Trias: And you can have...

Commissioner Anderson: We're talking about a block width.

Planning and Zoning Director Trias: Windows once you set back five feet, so it's a positive from some aspects of the idea. Now, the downside, obviously, is that it's a smaller parcel, yes.

Commissioner Menendez: I have a quick question. So, let's say this legislation passes on second reading, and a month from now, the scenario that the Vice Mayor describes happens. What mechanism is there in place in our Code and the way we -- our rules and regulations to avoid that being -- that scenario being etched in stone? Do we have a mechanism by which the new owner can sort of maximize the (INAUDIBLE)...?

City Manager Iglesias: I think, Commissioner, that maybe one thing that would work if that whole block is 25 feet, which many of these blocks are all 25 feet with an alley, then that can be the

exception to the five-foot setback if it's all zoned townhouse. If that other block is not zoned town -- is not platted like that, and it had to have a re-plat, then that would be a separate issue.

City Attorney Ramos: In addition...

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

City Attorney Ramos: Of course, if they filed some sort of claim...

Mayor Lago: Okay, so...

City Attorney Ramos: Initial Bert J. Harris...

Mayor Lago: So, let's do this.

City Manager Iglesias: But Mayor, if the entire block is zoned townhouse, maybe that setback can be still zero. That can be added.

Mayor Lago: I want to make sure the Vice Mayor's comfortable, and that everybody who has any questions, we can address these between first and second reading.

Vice Mayor Mena: Yeah.

Mayor Lago: So, if anybody would like to make a motion on this issue?

Commissioner Anderson: I'll move it.

Commissioner Menendez: I'll second.

Commissioner Fors: Yes.

Vice Mayor Mena: Yes, for now.

Commissioner Menendez: Yes.

Commissioner Anderson: Yes.

Mayor Lago: Yes.

(Vote: 5-0)

Commissioner Anderson: (INAUDIBLE) was a vote like that.

Vice Mayor Mena: Yeah, just again...

Commissioner Anderson: You got the...

Vice Mayor Mena: Staff -- I'm going to just ask staff to consider those comments and...

Planning and Zoning Director Trias: Yeah.

Vice Mayor Mena: If it's as written when it comes back, I may change my vote to a no. I'm going to look into it more myself, but I just want to understand the implications of that, because again, I'm always cautious about...

Planning and Zoning Director Trias: Sure.

Vice Mayor Mena: You know, encroaching on current development rights and the impact of that on everybody involved, not only the existing, but even the adjacent property owner.

Planning and Zoning Director Trias: Yeah.

Mayor Lago: Okay.

Vice Mayor Mena: You know, could they seek a waiver from the adjacent property owner, for example, of some kind. Maybe they have no objection to it. Maybe they -- again, maybe they want to build to the lot line in the future. Those are all things to just think about. I don't have the answers right now, but we could talk about it before the next meeting.

Planning and Zoning Director Trias: Sure.

Commissioner Anderson: And all that's a good idea. Maybe we need to put a waiver provision in there because if they don't care, I mean, that's the issue. We don't want stuff shoved down, I mean, anybody's throat.

Commissioner Fors: Maybe if you could find one example of where that might -- that situation might play out in the future.

Planning and Zoning Director Trias: Yeah. I think if we look at the existing conditions and the opportunities, you will see that we're talking about very narrowly focused issues, and you might be able to make a better decision. So, we'll...

City Manager Iglesias: The problem with a waiver...

Planning and Zoning Director Trias: Bring you that.

City Manager Iglesias: It could be a very expensive waiver.

Vice Mayor Mena: But from a practical perspective...

Planning and Zoning Director Trias: Yeah.

Vice Mayor Mena: And let's move on because I know we have a long agenda. We need to understand that a lot of these older apartment buildings are not necessarily going to be historic buildings, and they're probably going to be gone in the future. That's just the reality. I'm not talking about in two, or three, or four years, but in...

Mayor Lago: That's the truth.

Vice Mayor Mena: Fifteen or twenty years, that's what the Zoning Code is for.

Planning and Zoning Director Trias: Yes.

Vice Mayor Mena: And so, we need to think about the consequences of that long-term.

Mayor Lago: Absolutely.

Vice Mayor Mena: So, that's my concern. So, we'll talk before next meeting, and we'll go from there.

Mayor Lago: Listen...

Planning and Zoning Director Trias: Thank you.

Mayor Lago: Those are great points.

City Attorney Ramos: Mr. Clerk...

Mayor Lago: Very good points.

City Attorney Ramos: Can you confirm for the record that there was no one who wished to speak?

City Clerk Urquia: Correct.