

City of Coral Gables City Commission Meeting
Agenda Item E-4
March 28, 2017
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Jim Cason
Commissioner Pat Keon
Commissioner Vince Lago
Vice Mayor Frank Quesada
Commissioner Jeannett Slesnick

City Staff

City Manager, Cathy Swanson-Rivenbark
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Planning and Zoning Director, Ramon Trias

Public Speaker(s)

Agenda Item E-4 [1:49:33 p.m.]

An Ordinance of the City Commission of Coral Gables, Florida providing for a text amendment to the City of Coral Gables Official Zoning Code by amending Article 4, "Zoning Districts," Section 4-206, "Business Improvement Overlay District" to include special provisions for all properties within the District for pedestrian-oriented signage, hours of operation, and outdoor dining; providing for a repealer provision, severability clause, codification and providing for an effective date. (03-15-17 PZB recommended approval with conditions, Vote: 6-0)

Mayor Cason: And E-4.

City Attorney Leen: Mr. Mayor, Item E-4 is an Ordinance on Second Reading. It's an Ordinance of the City Commission of Coral Gables, Florida providing for a text amendment to the City of Coral Gables Official Zoning Code by amending Article 4, "Zoning Districts," Section 4-206, "Business Improvement Overlay District" to include special provisions for all properties within

the District for pedestrian-oriented signage, hours of operation, and outdoor dining; providing for a repealer provision, severability clause, codification and providing for an effective date. On March 15, 2017 the Planning and Zoning Board recommended approval with conditions, by a vote of 6-0. The item has undergone some edits between First and Second Reading, mostly of a legal nature. I know Mr. Trias can talk to you about the other ones, but mostly of a legal nature just to ensure compliance with the First Amendment. So we did a review, we sent to Abby Corbit to take a look at it. Remember we had redone the prior sign code consistent with the Town of Gilbert decision that came out of the Supreme Court, so we took the same look at this ordinance just to do a First Amendment review. In addition to that, we made it clear that kiosks, the limitations related to kiosks were advisory, because it was the City placing it on itself and the City is not bound to its Zoning Code, so there are advisory guidelines that the City is giving to staff; and in addition to that we make sure that the City Manager had ability to adopt regulations to implement a number of the items in the ordinance, because some of them may require further implementation, and with that I'll give it to Mr. Trias.

Planning and Zoning Director Trias: Mayor, I wanted to thank the City Attorney and his staff for the changes that they've made. They do not deal with content; I think the content is the same as before, simply changes in the language. The ordinance is much better and I think that the Planning and Zoning members were happy with the content and as the City Attorney said, there was some discussion over the kiosks, but since they are City-owned activity then we do have control on the advertisement or any messaging that may go in.

Mayor Cason: Do we have any speaker cards?

City Clerk Foeman: No, Mr. Mayor.

Mayor Cason: Close the public hearing – go ahead.

Vice Mayor Quesada: I just have one point on the digital kiosk portion of it, and I was actually reviewing the actual draft ordinance related to the kiosk, because I saw that Planning and Zoning had discussed on that. This goes back to something I said earlier in the meeting. I got approached by a company and I don't know if others have as well, got a company that they have a product that sort of a way-finding solution, sort of looks like a large TV like what we have around the dais here; and essentially you walk up to it and it's got a map of the City or Miracle Mile or Giralda wherever you put it, and you can click on it and you can text yourself an address where you want to go, or restaurants or a certain retailer and it will give you the actual way-find, similarly when you go the Mall, Dadeland Mall, International Mall, or Sunset Place and they have a map on the wall where all the stores are located, but this is a new advanced version of it. So a portion of that involves generating revenue through advertising, which I don't think that has

been completed yet from my conversations with Peter, it's a sole source provider of it, but I know they are still in that process, I think it's premature to discuss any more detail than that, but the point is – I just want to make sure, I don't see it actually in the draft ordinance what the Planning and Zoning Board said, as far as they want to limit it to only Coral Gables businesses. I know it's not a decision we are making today. I just want to be very clear, I think that would be a mistake, because it's almost like saying, you know you are walking down Miracle Mile and then we have a lot of bridal stores on Miracle Mile, and it's almost like saying, and I'm probably going to get this wrong that Vera Wang, my wife has taught me, that Vera Wang cannot advertise on these billboards even though their dresses are sold in a store on Miracle Mile.

Commissioner Lago: You are bringing up the same point that I was going to bring up. It doesn't make any sense.

City Manager Swanson-Rivenbark: Vice Mayor if I may. I attended the Planning and Zoning Board meeting actually at your request regarding an unrelated item. During the meeting there was great concern through the Planning and Zoning Board on the issue of digital advertising in the kiosk generally. I chose to go up to the microphone and say as a 20 year Economic Development Director in the City before pursuing the City Management route, that we would not recommend outside competitors advertising within the City of Coral Gables and it would be appropriate for us to develop protocols that say it's not about South Beach, it's about....

Commissioner Lago: I don't have an issue with that at all.

Mayor Cason: No problem with that.

City Manager Swanson-Rivenbark: If you don't see it in here it's because I told them that we would develop protocols and those protocols would support not having advertising from competitors.

Vice Mayor Quesada: Of course. We don't want to advertise for Coconut Grove, we wouldn't want to for South Beach or anything else. I agree with that.

Commissioner Lago: Or restaurants located in South Beach when we would obviously support our own restaurants.

Vice Mayor Quesada: Of course. But, if it's a product or service item that is offered within the City then I think they should be able to advertise, you know that product should be able to be advertised.

City Manager Swanson-Rivenbark: They had concerns the Planning and Zoning Board generally, had concerns of the idea of digital kiosk advertising, and so what we realized was that there should be some parameters in order to make them and the B.I.D. more comfortable with what those...

Mayor Cason: But, we've got 140-150 corporate headquarters here, you may have, let's assume McCormick's or somebody like that wants to advertise the spices they produce or one of the others, I think they should be allowed to, it's their products.

Planning and Zoning Director Trias: Mayor what I would say is that this is the Zoning Code and it deals with very limited information. The kinds of issues that you are talking about are outside the Zoning Code and are probably something that the City Manager through some other means is able to...

City Attorney Leen: I was the one who asked the Planning and Zoning Board not to actually put that in the regulations, because they are zoning and I didn't think it was appropriate to limit, really a proprietary issue in a Zoning Code, but the City Manager did say what she said, and my understanding was what I recommended was that that be determined by the City Commission, the City Manager through the normal course; and the City has complete discretion determining what to do there.

Vice Mayor Quesada: But, I want to be clear, I think there is an opportunity here for us. We discussed it earlier and I know it's still in a procurement phase and analyzing sole source aspect of it, I know Peter has been dealing with that, the Assistant City Manager on this. But we have an opportunity here to generate revenues for the maintenance and operation and upkeep of Miracle Mile and Giralda in perpetuity, which to me is exciting because we won't have to worry, and if you look at the complaints we are receiving, probably when you first got on the dais and actually when I first got on the dais, businesses and residents were complaining, because there were cracks in the sidewalks and there were drainage issues, and there were gum problems and there were stains, and unsightly, because we hadn't allocated from the City side, we hadn't allocated funds for the basic maintenance and upkeep, and I think there is an opportunity there that I don't want to lose or I don't want to limit in any kind of way. Obviously this needs more discussion when it's probably before us, when that's done which I thought it was done, but I'm assuming it's not yet, but I just want to make sure that we don't lose that and we don't limit it in a way that's going to hurt us from being able to do something that works well.

Planning and Zoning Director Trias: The language in the Zoning Code does not limit that.

Mayor Cason: If you look at Article 4, under page 2 of the ordinance, under digital kiosk, it doesn't limit it.

Vice Mayor Quesada: Yes, it doesn't limit it.

Mayor Cason: It doesn't limit it; it does under the brief history part.

Vice Mayor Quesada: But, because it was brought up by P&Z I wanted to make sure they'll address it.

Mayor Cason: We should have the flexibility in there for future discussions to allow negotiations.

Vice Mayor Quesada: Yes – and I also want to be clear that for those of you who haven't seen it, they have a video, they have it in Denver and I was in Denver for work a few months ago, and it's amazing, because you walk right up and you hit it and it tells you where to go. I thought it was spectacular, so it's a new type of technology that we can really set ourselves apart from everyone else in South Florida, which I like.

City Manager Swanson-Rivenbark: I'm sorry sir; I'm just going to have to put clear on this. The kiosks that were designed by Cooper-Robertson, the process that we are following related to these kiosks are not with a specific vendor in mind. It is the idea of how do you create updateable information and directories for the Mile and what role should advertising play, but I don't want any outside group thinking, ah ha, its already wrapped up with so and so company, because we haven't gotten to that process yet.

Vice Mayor Quesada: And I don't disagree with you. I just want to make sure that everyone has the opportunity, I mean I want to see the best technology we can have to put out there, that's something the...latest most up to date and I think we have an opportunity here.

Commissioner Keon: I think it's important to note too that there were specs for this particular item is designed by Cooper-Robertson as to the width of everything that I think the individual, if it's the same one that approached me also, I don't think that they would meet that specification, because of the size of the screen that they were talking about. This is a much smaller screen than what they were talking about, so I don't know whether that works or not, but it's important to note, I think Mr. Iglesias told me yesterday that on the streetscape they have already built and will wire the base for this wayfinding, this product based on the size of the what was designed by Cooper-Robertson, so it's already going to be in place. So, whoever is going to have to develop

or if we develop it or whatever, and apparently these are currently being made, is that right? - these kiosks with these designs are currently being manufactured?

Assistant City Manager Iglesias: We are getting shop guides for those and the foundations for two of them are already in place.

Commissioner Keon: Yes, so whatever we do it needs to fit within this particular design anyway.

Planning and Zoning Director Trias: The language simply allows that activity to take place and the details will be worked out on some of the forms.

Mayor Cason: No speaker cards, correct?

City Clerk Foeman: No, Mr. Mayor.

Commissioner Keon: I would like one thing that I'd like to see added to this, these different amendments for the overlay is that all of the, I didn't see it in here and I don't know if I talked about it before, but it was on the transparency of windows that you can't have the windows covered up on your stores, that you need to be able to see into the inside.

Mayor Cason: Didn't we mandate that a couple of years ago?

Commissioner Keon: I had asked about that.

Planning and Zoning Director Trias: Commissioner that was one of Development ideas that were not part of this first phase of the overlay.

Commissioner Keon: Why?

Planning and Zoning Director Trias: We simply dealt with the operations, which certainly we could add some of that language if you feel it is important, but I think some of that language was removed because of that.

Commissioner Keon: Because you have signage and different things that would be on display.

Planning and Zoning Director Trias: Basically we kept signage, we kept outdoor seating, we kept hours of operation, but anything that had to do with buildings and building development was removed from this portion of the overlay.

Commissioner Keon: Yes, but this isn't building development, it's like there is one store on the Mile that has all of their windows covered over with some sort of a, I don't know what it is.

Planning and Zoning Director Trias: Are you saying there is a signage that is blocking the...

Commissioner Keon: It's not signage, it's just, they are just covered, so you can't see into the store and it allows them to put their racks and everything right up against the windows. I think that – it's like walking...

Mayor Cason: I thought we banned that a couple of years ago. We had a discussion about blocking windows.

Commissioner Keon: I know we talked about it, but I've never seen anything happen and that store still has all their windows blocked off.

Planning and Zoning Director Trias: We can bring an amendment that deals with that issue soon. We had dealt with it in terms of the minimum requirements for transparency and along the length of the building, and so on, in some prior version of the overlay, so we can certainly work that out and bring it back to you in the future if you want to.

Commissioner Keon: I would like it not so in the distance future. I'd like it soon.

Planning and Zoning Director Trias: Yes immediately, soon.

City Manager Swanson-Rivenbark: So, I recall what Commissioner Keon is referring to. There was a building, I'll be really honest, it was Luria's at the time and later became Ross that had windows, true, but those windows were covered with film so you could not see through. While they met the requirement you have to have windows, it didn't meet the ability to see through them and so we will, I'm sure within the next month we can look at where those loopholes are and we can develop language that prevents that from happening in the future.

Commissioner Keon: And I think that they are expanding their space on the Mile, are they?

Planning and Zoning Director Trias: Yes.

Commissioner Keon: Yes –, so as they expand I don't want them to continue to cover up their windows, and that's like walking...and you are walking against a blank wall. Those are not the things that enhance a pedestrian experience.

Commissioner Slesnick: There is also a drug store that has their windows all covered up.

Commissioner Keon: Pardon me?

Commissioner Slesnick: A drug store that has their windows all covered.

Commissioner Keon: Well the way it's built – yes.

Commissioner Slesnick: It has all glass windows.

Commissioner Keon: Yes, yes, and they have it all covered too, so there are a couple of them.

Commissioner Slesnick: Very unattractive.

Commissioner Keon: Very unattractive and...

Mayor Cason: Can you address that through some other Code Enforcement or something else?

Planning and Zoning Director Trias: Yes, but we are working on language for the Zoning Code to make a minimum requirement of transparency and the size of openness, openings and so on, so we are ready to bring that to you. I think I'll bring that as a separate item, given the fact that this one is ready to go and it should be very soon, I don't think it will take a long time.

Commissioner Keon: So, you will deal with it in the Zoning Code?

Planning and Zoning Director Trias: Yes, we'll bring another amendment to you as a Zoning Code Amendment.

Vice Mayor Quesada: Something I'd like to see just because it makes everything easier, an illustration, so when you read through the ordinance now it tells you, for example, awnings or umbrella signage or archway signage, can we have just a simple illustration at what that looks like for us non-architects and non-individuals not in the construction industry?

Planning and Zoning Director Trias: Actually we do have an illustrated manual that we could certainly provide you with.

Vice Mayor Quesada: Updated based on this as well so that when a new business comes into town, the B.I.D. can give them a copy or the Chamber of Commerce so that we can have one ready to go and say, here's what you can and cannot do, so that, and I think it would make it

easier for staff in the future when a business is not cooperating and say look, here's the picture, you didn't follow the rules in the picture.

Commissioner Lago: Ramon, remember four years ago when we started working on that and we finished it and it already exists, it's a simple manual that was put together for signage.

Planning and Zoning Director Trias: And, I think we should update this based on...

Commissioner Lago: The breakdown that you hand to a new client, a new business owner and say, this is a blade sign, this is the exact square footage of the sign that's allowed on your window, it gives you a detailed breakdown.

Vice Mayor Quesada: So, if we can do something like that to accompany this, just to make it easier.

Planning and Zoning Director Trias: Sure.

Mayor Cason: Anymore discussion? Do we have a motion on E-4?

Vice Mayor Quesada: So moved.

Mayor Cason: Vice Mayor makes the motion, Commissioner Lago seconds – City Clerk.

Vice Mayor Quesada: Yes

Commissioner Slesnick: Yes

Commissioner Keon: Yes

Commissioner Lago: Yes

Mayor Cason: Yes

(Vote: 5-0)

[End: 2:06:58 p.m.]