

City of Coral Gables City Commission Meeting
Agenda Item E-3
August 22, 2023
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Vince Lago

Vice Mayor Rhonda Anderson

Commissioner Melissa Castro

Commissioner Ariel Fernandez

Commissioner Kirk Menendez

City Staff

City Attorney, Cristina Suárez

City Manager, Peter Iglesias

City Clerk, Billy Urquia

Deputy Director Development Services, Doug Ramirez

Public Speaker(s)

Andre Vazquez

Agenda Item E-3 [12:48 p.m.]

An Ordinance of the City Commission granting Conditional Use for a Building Site Determination approval pursuant to Zoning Code Article 14, “Process”, Section 14-202.6, “Building Site Determination” and Section 14-203, “Conditional Uses” to separate two (2) single-family building sites on the property zoned Single-Family Residential (SFR) District, legally described as Lots 21 and 22, Block 3, Coral Estates (631 Zamora Avenue), Coral Gables, Florida; one (1) building site consisting of Lot 21 (east parcel), and the other (1) building site consisting of Lot 22 (west parcel); including required conditions; providing for a repealer provision, severability clause, and providing for an effective date. (07 12 23 PZB recommended approval, Vote 5-0)

Mayor Lago: Moving onto E-3.

City Attorney Suarez: E-3 is an Ordinance of the City Commission granting Conditional Use for a Building Site Determination approval pursuant to Zoning Code Article 14, “Process”, Section 14-202.6, “Building Site Determination” and Section 14-203, “Conditional Uses” to separate two

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(2) single-family building sites on the property zoned Single-Family Residential (SFR) District, legally described as Lots 21 and 22, Block 3, Coral Estates (631 Zamora Avenue), Coral Gables, Florida; one (1) building site consisting of Lot 21 (east parcel), and the other (1) building site consisting of Lot 22 (west parcel); including required conditions; providing for a repealer provision, severability clause, and providing for an effective date. This is a quasi-judicial hearing and so anyone who will be testifying should be sworn in by the Clerk.

City Clerk Urquia: Do you swear and affirm what you are about to say will be the truth and nothing but the truth.

Mr. Vazquez: I do.

City Clerk Urquia: Thank you.

Mr. Vazquez: Good afternoon Mr. Mayor, Commissioners, thank you, City Attorney. My name is Andre Vazquez, 1892 S.W. 10th Street, Miami, FL, here on behalf of Adrienne Construction Group. I'll try to be brief. I know you guys have a long agenda today. The subject property of the application is 631 Zamora Avenue, which is currently a vacant parcel comprised of two platted lots. Our intention is to build two single-family homes, which will be accomplished via lot split which is achieved via the conditional use site plan review, which is why we're here today. Now, at the Planning and Zoning board hearing, we did have going with a recommendation of approval from staff and we left with a unanimous recommendation of approval from the board. So, I'd like to go over and highlight a few of the points from the staff report, as well as from the hearing. Quickly a history of the property. The property has contained a single-story structure that was built in 1940 and was then demolished in 2020. Shortly after that is when my client, Adrienn Construction Group purchased the property. And its important to note that the demolished structure...one of the two platted lots which is the subject of the application, because this is important because had it straddled the lot line this would have been detrimental to our application and to our project. Also, important to mention, there is no unity of title tying the lots together and the staff report confirms this as well. The property is designated single-family low density and SFR, so nothing will change there. So, a quick procedural history of how we've gotten here and the steps we've taken because we've been at this for quite some time now. Back in May of 2022 is when we went to DRC meeting; November of 2022 and March of 2023, we went to the Board of Architects back and forth, taking comments and making sure that we address any concerns that there may be, and we left with approval with a beautiful design by our architect Jennifer Salmon. July 12th, as I mentioned, we went to the Planning and Zoning Board; and to be frank, there was some of the, I guess, questions or concerns from the board is why we were even here as to this, because it seemed very clear that the lot split, that we shouldn't have come through the formal process required to be here and that we could have just split the lots without having to go through this formal public hearing. And I'd just like to note on that, that what triggers the formal process

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of seeking a conditional use site plan review was, the site determination letter; and the site determination letter was issued by a former Coral Gables employee, Ramon Trias, and I truly believe that had that site plan determination letter been issued today, it would have a different conclusion, but that's neither here nor there. So, as to the code requirements, which I'd like to talk about briefly for a lot split. There are four criteria of which needs to be complied with for the lot split pursuant to the City Code. Three of those four are satisfied in our application which is sufficient. Further, on top of the City Code there is a comprehensive, an analysis of the conditional use application, staff also looks at the comprehensive plan for an evaluation of consistencies with goals, objectives and policies. So, in pages 12 and 13 of the staff report, it enumerates the various goals, objectives and policies of the comp plan, and how our application complies and is consistent with each and every one of them. So, just with that, I'd like to emphasize at each stage, DRC, Board of Architects, and the PNZ hearing, we have a recommendation of approval. So, with that, I'd like to respectfully request an approval here by the Commission and I'd like to save, I don't believe there's any objectors here today, but if there is, I'd like to save five minutes for rebuttal.

Mayor Lago: Thank you sir. May I have someone from staff. Thank you.

City Planner Garcia: Good morning, Jennifer Garcia, City Planner. Now this is an application to split a building site. Just for the benefit of the public, whenever you're building or whenever you have a question, if a lot is one or two properties you request a building site determination with staff. Staff then review that. They look at the history. They do a very thorough research and see how that existing building was built on how many lots, and they look at how many, if any accessory uses are on the quote/unquote vacant lot and that research is done very, very thoroughly. At the result, if it's determined to be two sites or one site, if it's determined to be one site, then they have to go through the conditional use process, and you're very familiar with that. That goes to DRC, Planning and Zoning, sorry before Planning and Zoning, Board of Architects, Planning and Zoning, and then the Commission. So, this site is located on Zamora, on the block of Zamora between Casia and Segovia, just a little bit south of the city limits. There's an aerial that shows the block, on the block since its mostly of smaller properties. The future land use is single-family, as well as the zoning is single-family residential. And this is the property as it exists now. Its two vacant platted lots; lot 22 and lot 21. So, the request again, is the conditional use approval to be able to split that determined building site into two building sites. So, lot 22 and lot 21, they plan to build two single-family houses on each platted lot. You can see the plans right there. This is...in the code. If they were allowed to split the lot, if the Commission approves this, they will meet the code as far as height, as far as open space, maximum lot coverage and all that. This is the rendering of what they are proposing. Now this approval, if you approve it for second reading, would be tied, the site plan is tied to that approval, so they have to build what you're seeing today, that's part of the conditional approval per code. So again, it went to DRC in May of last year, kind of an extended process.

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Mayor Lago: Can I ask you a question.

City Planner Garcia: Yes.

Mayor Lago: Can you go back to the previous photo. Seeing a proliferation of those types of driveways in the city. Is that fake grass allowed to be installed on the driveway.

City Planner Garcia: Yes.

Mayor Lago: Even if its visible from the street.

City Planner Garcia: I believe so. I can check to make sure really quick.

Mayor Lago: We have legislation that says you can have fake grass, but it has to be not visible from the street. It has to be curbed by the hedge, you can have it on the side, you can have it in the rear.

City Planner Garcia: To my understanding its allowed between pavers to a certain extent.

Deputy Director Ramirez: Doug Ramirez, Deputy Director Development Services. Artificial grass is not allowed anywhere in the front of the property where its visible from the street, as you know, Mr. Mayor.

Mayor Lago: Mr. Ramirez, let me ask you a question. Mr. Ramirez, through the Manager, please make sure you're telling contractors and you're telling driveway contractors stop installing that, because we're seeing it a lot, and it's taking away from the character of the city. It looks very cheap, very cheap. I've seen it in two different properties in my neighborhood and its not in good taste in my opinion. Not only that its badly installed, its not even properly installed. So, let's make sure that we tell the contractors when they come here that please, if you're doing a driveway, don't install that fake grass, because you're going to have to take it out.

Deputy Director: Understood. In addition, when you have a permit, our zoning inspectors look specifically for this sort of thing and we've made them remove it when we've seen that they were trying to do that, because its not on the plans. It would not be approved.

Mayor Lago: It was the driveway that was installed right next to my house and there is fake grass. Maybe the Commission wants to put fake grass everywhere in the front. I'm not in favor of it, but I just think that we should follow the code.

City Manager Iglesias: Mayor, we have a very direct process for that. It goes through our City Landscape Architect to make sure that there is another way of taking care of it, so that's a very strict process to make sure that we don't convert everything to artificial turf.

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Mayor Lago: But let me ask you a quick question. I had a conversation with the Manager, as we reviewed this, and my concerns were the fence. Can we talk a little bit about the existing fence that was on the property.

City Manager Iglesias: The fence on two sides of the empty lot.

City Attorney Suarez: So, Mayor, I don't know if you want to clarify it, but.

Mayor Lago: Yes, you can clarify it.

City Attorney Suarez: Are you going back to the building site determination originally?

Mayor Lago: The conversation that we had in regard to a lot.

City Attorney Suarez: So, Mayor that's actually not before you today. What is before you today, whether this satisfies the criteria for determining that this can be developed as two building sites. Its not going back to the original building site determination, because that was done in 2021, and of course they've gone through the process, and so that's why we're here today.

Mayor Lago: But that decision didn't come to the Commission, did it?

City Attorney Suarez: No, that's done by Mr. Trias.

Mayor Lago: Administrative. Does anybody have any questions on this front?

Commissioner Fernandez: I do have one, because now that you bring up the point about the driveway. If we are approving it as is, does that include the driveway as is?

City Attorney Suarez: No. You're approving, and the City Planner can clarify, but you're approving that this site can be developed as two buildable sites and there are certain conditions in there, but they would have to otherwise go through every other process for development.

Commissioner Fernandez: Got it.

City Attorney Suarez: He was asking of their approving it as is, is shown in the rendering and the answer to that is no. They are approving that the site can be developed as two building sites with the conditions that are in the ordinance, and of course, this would go through all other reviews.

City Planner Garcia: But the site plan though is part of this approval.

City Attorney Suarez: Correct. But he's asking about the driveway, the turf in the driveway.

City Planner Garcia: Oh no, there's no detail for that.

Mayor Lago: So, could you go over a little bit about the criteria that is required to be met for a lot split.

City Planner Garcia: Yes. Exhibit C in your package for this item is the staff report. The staff report has a section 5, which talks about the Findings of Facts and that's in Section 14-213.7 of the zoning code and that goes to the criteria.

Vice Mayor Anderson: While you're looking at that, may I ask.

Mayor Lago: Do we have any public comment, Mr. Clerk.

City Clerk Urquia: No, Mr. Mayor.

Mayor Lago: Obviously, close the public comment.

Vice Mayor Anderson: May I ask a question?

Mayor Lago: Of course.

Vice Mayor Anderson: One of the homes has a carport and one doesn't.

Mr. Vazquez: Excuse me.

Vice Mayor Anderson: I noticed one of the homes has a carport and one doesn't. One has a closed garage, right.

Mr. Vazquez: I believe they both have a garage. One might be in the back.

City Planner Garcia: Actually lot 21 is identified as a carport in the drawing.

Mr. Vazquez: You're correct.

Vice Mayor Anderson: If a garage door is put on there, is it going to change the FAR requirements?

City Planner Garcia: If its enclosed – yes, in the future.

Mayor Lago: It will go over, correct.

Vice Mayor Anderson: Will it go over?

City Planner Garcia: Probably.

Vice Mayor Anderson: Because we've had this situation with residents before they have a carport and they put in a garage door or some kind of door is there.

Mr. Vazquez: You're saying if they changed it afterwards?

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Vice Mayor Anderson: They changed it afterwards. Would need to understand that they can't close.

Mr. Vazquez: Right now, as its our design and our site plan has it, we're in compliance with all the code. I can't speak for what future owners of the home will do.

Vice Mayor Anderson: I understand. People sell homes, you say you can do this, or you can't do that, but they need to understand that they cannot close that space.

Mr. Vazquez: Understood.

Vice Mayor Anderson: The carport should remain open.

City Planner Garcia: And if they move forward with any plans or permitting to enclose it, that would be reviewed by zoning to make sure they don't go over the maximum square footage you can have. So going back to the question. So, there's four criteria and they are required to meet three of the four. The first criteria are that if there's building sites within 1,000 feet of the subject site, that more or less are the same square footage as what they are proposing. So, for example, down south where there's plats of large lots, that they are not proposing something that's completely out of character. Now the second one is, if there are any unusual circumstances that are site specific, such as unusual site configuration or partially platted lots, having two or more zoning or land use designations, which in this case that's not really a concern. The third criteria are making sure they preserve the open space and assessment of trees. They do have a couple of large trees, but they are not specimen trees because they are fruit trees, even though they are large trees, they are not considered a specimen tree.

Mayor Lago: Do they have trees on the swale, in front of the swale?

City Planner Garcia: I'm sure they do, in the swale, in the right-of-way.

Mr. Vazquez: We have one fruit tree in the center of the property, but like she said, that's the only one I'm aware of. And if I may, just one quick note. As to the lot split itself, 12 of the 16 lots on Zamora Avenue are 5,650 square feet. Our lot split would create two lots of that same exact square footage, so its completely compliant and consistent with the characteristics of Coral Gables and the neighborhood just that street in general. So, I think right now, if anything, it looks like maybe six out and this would make it more consistent with the neighborhood itself.

City Planner Garcia: That was the criteria when staff was determining to be administrative. If they don't meet that criteria, then they are required to do the conditional use process, that's why we are here today. So, there's another four, meeting three of the four criteria underneath that one and that one is very similar to the first one. They have to have similar lot sizes within 1,000 feet; there has to be no restrictive covenants that are tying the properties together; and...

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Mayor Lago: So, do they meet the criteria or do they not?

Mr. Vazquez: We do.

City Planner Garcia: Yes, they meet three of the four criteria.

Mayor Lago: But...

City Planner Garcia: That's for the conditional use criteria. The administrative one they don't meet because there's a history of the project. So, the history of the building is that it was built in 1940, it was built on two lots, even though it wasn't straddling the two lots, it was built on two lots from the very beginning in 1940.

Mr. Vazquez: Ultimately, this comes down to a bar-b-que pit which came up in the survey and that's what straddled and we're not even sure if that bar-b-que pit was permitted, but we know that that's what triggered this entire process, but from the looks of the survey, it seemed and from just the hearing at the Planning and Zoning Board, it seems like the intentions of the previous owner was to have two lots and you can tell because the only lot or the structure on the property was only on one lot and the only thing that encroached was that bar-b-que pit. So, with that we think it's fair to split this.

Commissioner Fernandez: I remember watching the Planning and Zoning Board and there was a lot of discussion about why this was even coming up.

Mr. Vazquez: Yes.

Commissioner Fernandez: Because a bar-b-que shouldn't have been considered and I think that's probably why it got a unanimous vote there, because there was a lot of confusion as to why this was even a discussion item.

City Planner Garcia: So again, for those three reasons it was built in 1940, including those two lots; the warranty deed only had one folio when they applied for this back in 2021, and also, they have accessory uses on the other lot, those three reasons.

Mayor Lago: Any further comments. Anybody make a motion.

Commissioner Menendez: I'll move it.

Vice Mayor Anderson: Second.

Vice Mayor Anderson: Yes

Commissioner Castro: Yes

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Commissioner Fernandez: Yes

Commissioner Menendez: Yes

Mayor Lago: Yes

(Vote: 5-0)

Mr. Vazquez: Thank you.

[Note for the Record: Deputy Director of Development Services, Douglas Ramirez returned to the dais to clarify the record on this item]

Mayor Lago: Director Ramirez would like to make a clarification for the record. Director.

Deputy Director: Doug Ramirez, the PD Director, Development Services. Mr. Mayor, I wanted to clarify the artificial turf and what's written in the code. In general, its allowed in the back of the house, however, there are two specific exceptions having to do with anywhere else in the code. One of them has to do with joints of concrete. Its allowed anywhere, if its in the joint of concrete or pavement. However, there's also another exception where it has to do with, if you have an area where nothing will grow, then with approval of Public Works, it can be approved at those specific locations as well. I wanted to make sure that was abundantly clear, because what I said earlier wasn't clear enough.

City Manager Iglesias: Those specific locations, Mayor, Commissioners, have to be approved by the City Architect.

Mayor Lago: If I may please, I'd like for the next Commission meeting, what's being approved here for driveways with cutouts for artificial turf looks horrible. It just looks cheap. I think it cheapens the city. So, I would like for you to please, if you can, by the next Commission meeting, put an item on the agenda, through the Manager, so photos of certain ones that have been approved. I'm going to take photos of certain ones, so you can show them and I'd like to bring to the Commission an alternative. What is that alternative? – rocks, something else that can be placed in between the slabs of concrete. I just think that the grass looks cheap and its not something that, in my opinion, is really beneficial to the quality that we're searching here. So, I want to find a different alternative to not allow that, and if my colleagues disagree, then it can continue as it is.

City Manager Iglesias: We will do that Mayor. We'll bring it at the next Commission meeting. We'll do a small presentation.

Mayor Lago: Thank you for clarifying that. I appreciate that.

Deputy Director: You're welcome, sir.

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