

City of Coral Gables City Commission Meeting
Agenda Item E-7
March 29, 2016
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-7 [12:23:52 p.m.]

An Ordinance of the City Commission of Coral Gables, Florida, providing for text amendments to the City of Coral Gables Zoning Code by amending Article 2, “Decision Making and Administrative Bodies”; Article 4, “Zoning Districts”; Article 5, “Development Standards”; and Article 8, “Definitions,” to address the votes, restaurant walk-up counters, required parking and bay windows; providing for a repealer provision, severability clause, codification, and providing for an effective date.

Mayor Cason: E-7.

City Attorney Leen: E-7 is an Ordinance on First Reading, a Zoning Code Text Amendment. An Ordinance of the City Commission of Coral Gables, Florida, providing for text amendments to the City of Coral Gables Zoning Code by amending Article 2, “Decision Making and Administrative Bodies”; Article 4, “Zoning Districts”; Article 5, “Development Standards”; and Article 8, “Definitions,” to address the votes, restaurant walk-up counters, required parking and

bay windows; providing for a repealer provision, severability clause, codification, and providing for an effective date. It's an Ordinance on First Reading. There are just a couple of amendments. First, on page one of Attachment A, which has – it looks like this, this page. Right now it says, in the event of a tie vote, an applicant may request a continuance or allow the application to proceed to the City Commission without a recommendation, that's the proposed change. This has come up over the last week and I'd like that to include on Second Reading, in the event that four votes are not obtained, because sometimes we have 3-2 votes, basically it's the same as a 3-3 vote, and by same I mean that there are not four votes. Under our Code, the Planning and Zoning Board can only act either voting up or down, a motion by four votes. So, you could do four votes to approve an item and recommend it to the Commission, or four votes not to recommend an item, but the problem that we have sometimes is 3-2 or 3-3, so there is a quorum, there is more than half, but you can't get the four votes necessary to act. So I would ask that, we use the word tie vote, but tie vote should include 3-2 votes, 3-1 votes, things like that.

Mayor Cason: You can have a 2-2 vote too.

City Attorney Leen: And an actual tie, a 2-2 vote, you are absolutely right.

Commissioner Keon: So you can just change it to four.

City Attorney Leen: So we are just going to work with that language a little bit, to make sure it includes that. The other proposed change, which came from the Mayor and spoke with the City Manager and I, I believe we both support it, is to add including chewing gum; including chewing gum on Section 5-119 (a)(7), and (b)(10). This came up in our individual meeting, I'm bringing it up now for the full Commission.

Mayor Cason: Restaurants will be responsible for cleaning up around, because what will happen is people will take the gum out and throw it on the floor and then, so the restaurants have to clean it up, clean that up so it doesn't get hardened, especially on Miracle Mile where we are going to have all those beautiful granite.

City Attorney Leen: Yes. There is a good argument that this already included chewing gum. The Mayor raised the point and it's better to say it, if you really want that just say it in there, so we are going to put including chewing gum in both to make sure that the property owners each day come out and look for that and remove it. That would be the proposal with those amendments. With that I will turn it over to staff. It's a public hearing item.

Mayor Cason: We have any speaker cards on this?

City Clerk Foeman: No Mr. Mayor.

Mayor Cason: So we'll close the public hearing. Any more discussion?

Commissioner Keon: On page 4 of this for walk-up counters, you have, shall be setback at least ten feet from all property lines in service the patron shall not interfere with pedestrian circulation on adjacent public sidewalk. I thought that ten feet, does that allow you to only assemble within your own property?

City Attorney Leen: I would ask Zoning to come up.

Commissioner Keon: I thought some of the discussion with regard to public windows is what that – it wasn't a problem if people even on the Mile, as long as – where there is a Subway now, that's set very deeply into the building and so is the Starbucks, so the likelihood is people are not going to assemble on the sidewalk because there is adequate room. I don't know if ten feet is an adequate room, but I'd like to see that if we have walk-up windows and walk-up counters that you can only assemble within your own property.

Mr. Trias: OK. Yes and the ten feet were intended to achieve that and if you don't think that's enough we could certainly have a different dimension.

Commissioner Keon: I don't know that...

Commissioner Slesnick: Is the ten feet public property?

Mr. Trias: No. No.

Commissioner Keon: What it's saying here is that the counter would be ten feet, setback at least ten feet from...

Commissioner Slesnick: The sidewalk.

Commissioner Keon:...all property lines, so on the person's property. So what I'm asking is ten feet adequate for that, as opposed to just that it has to be in a way...

Mayor Cason: What's the width of the sidewalk going to be on Miracle Mile now?- 13 feet?

Commissioner Keon: Thirteen (13) feet.

Mayor Cason: Thirteen (13) feet, so ten more in. Basically, people are going to get an ice cream cone or...

Commissioner Keon: Yes – but it's usually that they assemble on their own property, as opposed to spilling out onto the property at all.

Mr. Trias: The way we phrase it is that it says, at least ten feet, and it is a conditional use.

Commissioner Keon: So we would review whatever it is anyway.

Mr. Trias: As a condition you can request a bigger dimension.

Commissioner Keon: And because if you have an establishment that they are only a walk-up counter or they are only a window and all of their business is done through that, you may need more than that. Whereas, if it's an ice cream store that has, that you can walk in and use and sit down or whatever, or you can go to the window, then it's kind of shared.

Mayor Cason: So it gives us flexibility at least.

Mr. Trias: The fact that it's a conditional use gives you complete flexibility to make a judgment call.

City Attorney Leen: One legal point I wanted to raise consistent with what you just said, was on B-3, I know that you intended this, so I forgot to raise it, but I do think it needs to say that, in no event shall a walk-up window encroach on the public right-of-way, because it says whenever reasonably practicable, walk-up counter shall be set back at least ten feet, but I think we should make that clear.

Commissioner Keon: Yes.

Mayor Cason: Alright. Do we have a motion on E-7?

Commissioner Lago: So moved.

Mayor Cason: Commissioner Lago makes the motion. Second?

Commissioner Slesnick: Second with the inclusion of chewing gum.

Mayor Cason: Chewing gum...

Commissioner Keon: And the setback.

City Attorney Leen: Did you already close the public hearing?

Mayor Cason: OK. City Clerk.

Commissioner Slesnick: Yes

Commissioner Keon: Yes

Commissioner Lago: Yes

Mayor Cason: Yes

(Vote: 4-0)

Vice Mayor Quesada: Absent

[End: 12:30:26 p.m.]