

City of Coral Gables City Commission Meeting
Agenda Items F-5 and F-6 are related
Commission Chambers
December 8, 2020
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Raul Valdes-Fauli
Vice Mayor Vince Lago
Commissioner Jorge Fors, Jr.
Commissioner Pat Keon
Commissioner Michael Mena

City Staff

City Manager, Peter Iglesias
City Attorney, Miriam Ramos
City Clerk, Billy Urquia

Public Speaker(s)

Erik Fresen

Agenda Items F-5 and F-6 are related [2:00 p.m.]

F-5: 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 amending “Section A-58 Hammock Oaks Harbor Section 2(F),” amending provisions governing the use of the private yacht basin facility, increasing the number of dock slips from eight (8) to nine (9) 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 severability clause, repealer provision, codification, and providing for an effective date. (10-14-2020 PZB recommended approval, Vote 6-0)

F-6: An Ordinance of the City Commission of Coral Gables, Florida amending Ordinance no. 2018-43, which granted the Conditional Use approval for a private yacht basin on property zoned Single-Family Residential, legally described as a portion of Tract E, Block 4 of Hammock Oaks Harbor Section Two (11093 Marin Street), Coral Gables, Florida, by increasing the number of dock slips from eight (8) to nine (9), all other conditions of approval contained in Ordinance no. 2018-43 shall remain in effect; providing for a severability clause, repealer provision and providing for an effective date. (11-12-2020 PZB recommended approval, Vote 6-0)

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Mayor Valdes-Fauli: Now we should take items F-5 and F-6, which are related.

City Attorney Ramos: Yes. F-5 and F-6 are related. F-5 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 amending “Section A-58 Hammock Oaks Harbor Section 2(F),” amending provisions governing the use of the private yacht basin facility, increasing the number of dock slips from eight (8) to nine (9) 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 severability clause, repealer provision, codification, and providing for an effective date. F-6 is an Ordinance of the City Commission of Coral Gables, Florida amending Ordinance no. 2018-43, which granted the Conditional Use approval for a private yacht basin on property zoned Single-Family Residential, legally described as a portion of Tract E, Block 4 of Hammock Oaks Harbor Section Two (11093 Marin Street), Coral Gables, Florida, by increasing the number of dock slips from eight (8) to nine (9), all other conditions of approval contained in Ordinance no. 2018-43 shall remain in effect; providing for a severability clause, repealer provision and providing for an effective date. This is a quasi-judicial item, Mr. Clerk, we need to swear in anybody who is going to speak, other than the attorneys. We can consolidate the public hearing for the two items.

Mayor Valdes-Fauli: Good. Is there anybody who wishes to speak?

City Clerk Urquia: We have Mr. Erik Fresen on Zoom, Mr. Mayor.

Mayor Valdes-Fauli: Okay, Mr. Fresen.

Mr. Fresen: Good afternoon, can you all hear me?

Mayor Valdes-Fauli: Yes, we can.

Mr. Fresen: Thank you. Good afternoon Mayor and Vice Mayor, City Commissioners. Mr. Mayor, I join in the chorus wishing you and your family a safe recovery from your Covid. I was sad to hear about that, but I’m sure you are going to power through it. So, it’s good to see you.

Mayor Valdes-Fauli: Thank you Erik.

City Clerk Urquia: I’m sorry, before you continue, can you please raise your right hand?

Mr. Fresen: Erik Fresen, offices at 8050 S.W. 72nd Avenue, South Miami, FL 33143. I’m here on behalf of David...

City Clerk Urquia: Sir, can I swear you in?

City Attorney Ramos: Mr. Clerk because he is the attorney representative, he doesn’t need to be sworn in. He’s not a witness.

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City Clerk Urquia: Thank you.

Mr. Fresen: Again, I'm here on behalf of David Cabarrocas who is the owner/applicant of applications F-5 and F-6, which are mirror applications. I know you guys have had a long Commission meeting and are already a little bit behind schedule, so I'm not going to go too long. This is an insubstantial amendment to a previously approved item for residential marina in the Hammock Oaks community that most of you unanimously voted on in late 2018 out of deference to Commissioner Fors, who was not around at the time. I'll provide a very quick cliff notes summary of kind of the history of this item and what's before you today. In 2017, my client, Mr. Cabarrocas obtained title to the property and began in earnest a process with the City of Coral Gables and the Hammock Oaks community to create this residential dock basin, whatever term you want to use for it. It was a lengthy negotiation at the time with the Hammock Oaks Homeowners Association with the City, with the City Planners, with zoning across the board to basically make sure that what was going to be placed there was something that the Hammock Oaks community was going to be in favor of that the City's Planning Department found suitable for the area and that meshed within your zoning requirements. At the time, the scale of the dock that was approved then and is built now, was determined based on, obviously zoning considerations, planning considerations, environmental considerations, etc. At the time, because of the sequence in which these types of projects are approved, the city provides their entitlements both zoning and legal first and then the applicant goes for permitting for the actual construction of the dock. At the time, if you look at your aerials, the south side of the dock, we didn't know prior to requesting for approval at the City Commission what level setback or allowance the Army Core of Engineers would eventually allow in its permits to ultimately allow for this dock. As such, when originally requested and petitioned at the city, the applicant asked for the eight slips, which are all along the north face of that marina knowing that we would certainly have the space for the eight slips, and not being certain of what allowances, if any, would be afforded on the south side of that dock. Since then, your City Commission unanimously approved this in last 2018, the applicant built, went through all the entire permitting process, both the city, at the county and with the Army Core, and built out the marina as specified and approved by the City of Coral Gables and created the Homeowners Association, all the restrictive covenants have been met and followed through on. Once built and more importantly, once the Army Core of Engineers provided its approval for the permitting of that dock, the applicant realized that in fact, they would allow and if you see the as built, or the aerials there, there is plenty of space on the immediate southeast side of the as built dock to allow for what would be a ninth slip of the same scale and size of the other eight on the north side of that dock. So essentially, just to wrap this up, and I wanted to afford Commissioner Fors that background, the application before you right now is essentially an unsubstantial amendment to the two elements that provided the original entitlements for this dock, which is to, essentially change it from eight slips to nine slips. Other than that, not a comma, not a period, not a word is being changed in any of the two ordinances that allowed for this dock to exist. Nothing in the declaration of restrictive covenant is being changed and nothing in the HOA or otherwise is being affected whatsoever by the application. Again, it was two separate applications because even though essentially, this is really a text amendment, unfortunately the manner in which these two items were originally passed, the number eight was present in both the body of the original zoning

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code amendment, but also in the title portion of the conditional use ordinance that was necessary for this use as well. That's why you have to have two applications before you, they are essentially mirror applications of the same, again, non-substantial amendment to the original approval going from eight slips to nine. Nothing construction-wise needs to change on the dock, nothing will be moved, nothing will be changed, not a permit has to be pulled. Basically, the approval just grants the allowance of a ninth boat with all the other aforementioned restrictions being in place. And those are the applications, Mr. Mayor and Commission.

Mayor Valdes-Fauli: Thank you. Thank you. Madam City Attorney, do we take up...

City Attorney Ramos: We need to see first if there is any public comment.

City Clerk Urquia: There is no one from the public who wishes to speak.

Mayor Valdes-Fauli: The Commission wishes to speak on this?

Commissioner Mena: No. This is Commissioner Mena, I was ready to make the motion until I saw Mr. Fresen's background, but despite that, I'll move forward.

Vice Mayor Lago: And I'll second it.

Mr. Fresen: I meant to address that earlier. One of my son's...[inaudible]...and put this background so it was not a gratuitous mentioning of the better of the two boy schools in Miami, but if it balances it out and if it's any consolation my client is a fellow Wolverine.

[Laughter]

Mayor Valdes-Fauli: Okay. Madam City Attorney, do we vote the item or...

City Attorney Ramos: You need two separate votes.

Commissioner Mena: I'll make the motion on F-5.

Vice Mayor Lago: And I'll second.

Commissioner Fors: Yes

Commissioner Keon: Yes

Vice Mayor Lago: Yes

Commissioner Mena: Yes

Mayor Valdes-Fauli: Yes

(Vote: 5-0)

Mayor Valdes-Fauli: F-6.

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Commissioner Mena: Motion on F-6.

Vice Mayor Lago: Second.

Commissioner Keon: Yes

Vice Mayor Lago: Yes

Commissioner Mena: Yes

Commissioner Fors: Yes

Mayor Valdes-Fauli: Yes

(Vote: 5-0)