

Zoning Code Rewrite (Part 6)

Public Comments - Verbatim (Updated 09 16 06 thru 10 11 06)

Refer to City's webpage for public comments Parts 1 - 5

	Date	Name & Address	Email Address	Verbatim Comments
1.				
2.	10/06/06 Via email	Yife Tien 284 Carabela Court Coral Gables, FL 33143		<p>Re: Proposed New Zoning Code - Does it Address a Boat Encroachment Problem?</p> <p>Dear Mr. Betancourt:</p> <p>As mentioned on the phone, my home is located in CocoPlum Section 2, and the rear of my property is on the Gables Waterway across the canal from Edgewater Drive. Each of the homes in my area has approximately 100 feet of waterfront.</p> <p>An on-going problem has been that my neighbor's large boat (122 feet in length) encroaches approximately 25+ feet onto my property.</p> <p>I would like to know if the proposed new Coral Gables zoning code addresses a boat encroachment problem. If it doesn't, then it should be included in the proposed zoning code document.</p> <p>When discussing this matter last week (Friday) with Ms. Donna Lubin, Acting - Director of the Zoning Division, I gave her a loose-leaf binder with the relevant information, which she passed along to Millicent Bain in Code Enforcement. If you would like to see a copy of the binder please let me know. I would be pleased to meet with you or your colleagues to discuss further.</p> <p>Sincerely, Yife Tien</p>
3.	10/03/06 Via email	Seth Levine 311 Navarre Avenue (828)545-1371 6 Mayfield Rd Asheville, NC 28804	levineseth@hotmail.com	<p>Good Morning Mayor Slesnick:</p> <p>I appreciate your reply and am pleased with your position on TDR's, thank you. I would like to know why Planning is expanding TDR's - which already exist in the current zoning code - to include Commercial and Limited Commercial properties along Ponce, and excluding Multi Fam in North Ponce. I know you haven't seen the final version of the code, but it is there in Article 3 - its on the city web-site and you will see it when you receive the final zoning code. North Ponce is an area of intense growth and I would like to think that preservation and density control applies to this area without having a lengthy review. There wasn't a lengthy review when the decision was made to make TDR's available to properties on Ponce de Leon - which by the way - are not historic and do not even qualify for historic designation. Dennis Smith told me on the phone that Cafe Demitrio and Washington Mutual were the only historic properties left in the CBD with available air</p>

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				<p>rights. This preservation incentive is only being offered to a tiny portion of the city and it is wrong. The city is growing and my property isnt getting any younger - its 85 yrs old this year. Put this issue on the floor and lets not be afraid of getting shot down - apparantly nobody shot down the current version which includes properties along Ponce de Leon and the JCI on LeJeune - , so whats the difference?</p> <p>Also, since it is public record, can you tell me who on the commission opposes this. Commissioner Withers was the only commissioner to respond to my previous e-mail regarding this matter and Mr. Riel has been the only member of your staff to listen to me and offer feedback.</p> <p>Regards, Seth Levine</p>
4.	10/03/06 via email	Seth Levine 311 Navarre Avenue (828)545-1371 6 Mayfield Rd Asheville, NC 28804	levineseth@hotmail.com	<p>Mayor Slesnick:</p> <p>I am writing you today because I feel as though I am being penalized or discriminated against for owning a Multi Family Historic Property,I do not understand why and am asking for your help. I have had several E-mails with Planning and the Historical Resources Department regarding my feelings and I would like to do the same with you with the hopes for future change.</p> <p>My small one story home was designed by H. George Fink in 1922 for George Merrick. It is located at 311 Navarre Avenue (Multi Family abutting the CBD) ,very special and is one of a kind for this area. I am surrounded in every direction with larger, taller buildings and have recently vacated the property for a better quality of life in Asheville, NC. Since my move I have attempted, though not easy, to follow the various changes proposed in the Zoning Code Rewrite, specifically Article 3 Section 10 - Transferable Development Rights.</p> <p>It is my understanding that TDR's control density and maintain Historical Preservation by allowing owners of Historic properties to sell their un-used air rights and improve or restore their property to their original state, forever limiting the ability to build upwards and outwards. They allow buyers or recipients of TDR's to increase the size of a project, not add more units. I dont think it is fair that they be allowed solely for Commercial and Limited Commercial properties which have the ability to lease out their space and cover their expenses. I can assure you that my rental income off my home doesnt cover the taxes, never mind the mortgage and insurance. Commercial and Limited Commercial leases are often triple net, multi family is not. Improvements resultant from TDR's would increase the value of my property, enabling me to generate suffieicnt income to cover my monthly obligation.</p>

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				<p>If I were to ask that my property be demolished I would not be allowed to because the City deems it Historically Significant. If I were to draw up plans to develop my property to the maximum F.A.R allowed under code, they would be denied because it would detract from its Historic appearance. This is why I feel like I am being penalized for owning a Multi Family Historic Property.</p> <p>Yes, I am aware of the "benefits" as explained to me in materials via the Historical Resources Dept, however, ad valorem tax breaks on improvements are only beneficial if my home was located in Single Family Zoning District. They simply do not make any sense when the property is located in Multi Family and taxed/valued higher because of MF zoning which in this instance cannot and will not be achieved.</p> <p>Earlier in the re-write, TDR language was scrtached pertaining to North Ponce and replaced with C and CL Zoning Districts. Mr. Riel explained to me that the Commission requested that all issues regarding North Ponce be treated as an overlay district after the "massive task of rewriting the code" is completed. I think it is wrong to essentially ask the "mom and pops" of this area to wait any longer - time is money and not being able to maintain ones property is like rust. I am not the only property owner in this situatuion and allowing TDR's is the solution. TDR's exercised will simplify a good portion of the North Ponce Plan, which Mr. Riel has said has "no timeline" and is just a "study". I ask that you put the TDR provision back in where it belongs and at the very least, create a system for a case by case basis for examination. As I have stated to Planning before, if I could file an application for TDR's I would - but one does not exist.</p> <p>I thank you for taking the time to read this lengthy E-mail, I hope it makes sense. I am available any time to answer any questions you may have. I am just tired of feeling as though I am being punished for wanting to improve my little gem of a property.</p> <p>Sincerely, Seth Levine 311 Navarre Avenue (828)545-1371 6 Mayfield Rd Asheville, NC 28804</p>
5.	10/02/06	Seth Levine 311 Navarre Avenue	levinseth@hotmail.com	Eric, Kara, and Planning Please forward these comments to PZB as soon as possible:

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				<p>As an owner of a historic property abutting the CBD, I really wish you would include TDR's for the North Ponce Area. TDR's control density, maintain Historical Preservation - and is a win win for everyone.</p> <p>Earlier in the rewrite, TDR's for this area were included in the code, then scratched. Why?</p> <p>I remember (years ago) when planning showed the commission a 3-D model of what the city, specifically the North Ponce area, would look like if every property owner "exercised" their rights and built out their property. A dense mess to be polite with quality of life far from "beautiful". Even after seeing that model I find it hard to imagine living amongst so many additional people, cars, traffic and everything else that comes along with mass build out. Again, why wouldnt the city want to "control" that by expanding TDR's - and I dont mean expanding them to include the commercial and limited commercial which really arent candidates for such a program. Whats the harm in allowing developers to make larger more saleable (sellable?) units in a market which is softening?</p> <p>I just feel as though I am being penalized by owning such a property and the opposite should apply. The current incentives or benefits for Historic Preservation are great if you own a Single Family and go through the process of designation but really do not apply in present sense for Multi Family. Especially multi family with only 2 units, rents not covering taxes not to mention the mortgage and insurance.</p> <p>If I could demolish my property I would - but I cant. If I could build out my property to the maximum allowed under code I would - but I cant. If I could improve my property and restore it to its original state I would - but I cant. If I could file an application for a variance allowing me to Transfer my Rights I would - but I cant. Why - because the city says so. This is why I feel as though I am being penalized.</p> <p>If I could sell my air rights, restore my property which in some irony the city views as significant and opts to incentivize C and CL properties and excludes MF - I would - and so would other owners of Historic properties thus greatly impacting the future skyline and quality of life for our city.</p> <p>Please weigh the pros and cons on this controversial subject. The rewrite is the time and place for this - not some unknown time in the future in some "study" which is just that a study, not a plan.</p> <p>Thank You, Seth Levine</p>

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				311 Navarre Avenue
6.	09/29/06 Via email	Larry Horton 786-662-7542	Larryh@baptisthealth.net	<p>Subject: New Zoning Code Truck Ordinance 4-411 and 4-412</p> <p>Please record my comment as follows from the PZB meeting of 09/27/06:</p> <p>Owners of other vehicles which are classified as trucks such as SUVs, Mini Vans, etc. are not being subject to this ordinance (4-411, 4-412). We only ask that the same standard be applied to all trucks and that owners of pickup trucks be treated in the same way. Also we feel we should be treated the same as boat owners. Currently it is my understanding that boats are allowed under the current zoning code in the side yard (please see excerpt from the code below).</p> <p>Sec. 8-13 - Boats and boat trailers. Boats and boat trailers may be placed, kept or maintained or permitted to be placed, kept or maintained in any interior side or rear yard only.</p> <p>Thank You, Larry Horton Lead Systems Security Analyst Baptist Health South Florida 6855 Red Road Coral Gables, Florida 33143 786-662-7542</p>
7.	09/28/06 via email	Elaine Codias (305) 798-0585	jceceloh@bellsouth.net	<p>Yesterday, 9-27-06, I attended the Planning and Zoning Board meeting regarding the new zoning code. I would like to state here the concerns I have about Article 5, Division 6 of the new code.</p> <p>My concerns are twofold. The first is a very specific concern about one section of Division 6. The second is a more general comment about the entire Division.</p> <p>The specific concern: Sections on "architectural style" and on "duplication of elevations and/or exterior architectural design" have been combined into Section 5-603 and added to Article 5, Division 6, starting on p. 5-19, line 31 and ending on p. 5-21, line 10. These two sections of the code were developed as part of the single-family regulations to apply to the Single</p>

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				<p>Family Residential (SFR) District and have already been passed by City Commission. The moving of these 2 items to this Division of the code seems generally to be appropriate.</p> <p>However, there appears to be one important problem which has not been corrected: Division 6 begins with a statement concerning "purpose and applicability," and this statement reads, in part, "Except as expressly provided in this Division, these standards shall not apply to single-family districts or to the Multi-family-1 District" [p. 5-17, line 43]. I cannot see that a statement has been added to indicate that the added sections [described above] are meant to apply to the SFR and MF1 Districts.</p> <p>The more general comment: The placement of the sections on "architectural style" and on "duplication of elevations and/or exterior architectural design" in this Division entitled "Design Review Standards" seems appropriate. However, this Division was apparently written to guide the development of Multi-family, Commercial, Industrial, and other districts, not single-family residences [see p. 5-17, line 41].</p> <p>A suggested solution: As you are now combining some sections which apply to Single-Family districts with other sections which apply to other districts, or with sections which apply to other combinations of districts, I would suggest removing paragraph B under Section 5-601 [p. 5-17, line 41]. You could then place direction as to applicability at the beginning of each section. For example, does 5-602, Design standards, apply to SFR & MF-1? Section 5-603, Architectural style, does apply to SFR & MF1, but does it also apply to other Districts? How about 5-604, Coral Gables Mediterranean Style Design Standards? Does this apply to SFR?</p> <p>Thank you to all involved in this difficult undertaking. I realize how complicated this must be, and I hope that these comments are helpful to you in continuing to shepherd this Code towards completion.</p> <p>Regards, Elaine Codias, PhD 305-798-0585</p>
8.	09/26/06	Steve Bosson 437 Sopera Avenue Coral Gables, FL 33134	sbosson@bellsouth.net	<p>Dear Commissioners, This is my second request that my emailed comments (below) be included within the Public Comments section on the City's website. Please follow through to make sure it gets done. Thank you, Steve Bosson</p>

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9.	09/26/06	Elizabeth Marcus	Liz_33146@yahoo.com	<p>Dear Ralph: I have been reading with interest various articles in the Miami Herald and Coral Gables Gazzette about the proposed Zoning Code Rewrite. One of the reasons I have heard presented for the necessity of the rewrite is to provide an acceptable transition from commercial and high density residential development to duplex and single family residential zoned properties. With that in mind wouldn't this be a good time to examine the Mediterranean Bonus and Planned Area Development Zoning Ordinances? The Bonus Ordinance permits higher denisty through less restrictive height and setback requirements if the developer designs his building in a Mediterranean manner. Much of the criteria for thee bonus is subjective and many believe it has been abused. I feel it is inappropriate to apply it to projects that are in close (500 ft) proximity to duplex and residential areas. It defeats the whoe idea of a transition.</p> <p>The Planned Area Development Ordinance permits a developer to assemble a tract of land and develop it without regard to the Zoning Code. The criteria for approval is subjective and subject to abuse. While it may be a good idea in the downtown area it has no place in areas near residential and duplex zoned properties. Coral Gables was founded as a residential community. The protection of residential areas from high density development should be paramount in the Zoning Code.</p> <p>I thank you in advance for your interest and concern for my feedback re important issues in the city and for my thoughts and observations about the Rewrite of the Zoning Code.</p> <p>Regards, Liz Marcus</p>
10.	09/25/06 via email	Larry Horton 6604 Leonardo Street Coral Gables, FL 33146 (786) 268-1429	larryh@baptisthealth.net	<p>Eric and Commissioners below is the recommendation of the planning and zoning board made on Sept. 14th 2006 to modify the current ordinances regarding the parking of trucks in the City of Coral Gables. My understanding that one purpose of the zoning code rewrite is modernize ordinances contained within the code which are obsolete or could be improved. To this date I do not see any indication that this recommendation is going to be part of the new code. Can you please let me know if this recommendation will be included and if not then please explain to me the logic of not doing so.</p> <p>This recommendation is a very good compromise to allow us to continue to maintain a strong zoning code while making allowances for changes in our lifestyles and the types of vehicles the citizens of Coral Gables choose to drive. This ordinance has several problems in my view and has been challenged in court to my knowledge at least 3 times. This has requiring the city to spend funds for legal expenses which could be better utilized elsewhere. I believe there is a case currently under appeal at the present.</p>

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				<p>The current ordinance the way it is written specifies "trucks" not pickup trucks but the city chooses to enforce the ordinance only on pickup trucks. Other larger trucks such as Hummers which is a derivative of a military vehicle and other SUVs are not being cited. This is unfair as these vehicles are basically very similar. Also the City of Coral Gables themselves use and park pickup trucks with our neighborhoods daily and the city's vehicles are by far more unsightly than any pickup truck owned by a private person within the city.</p> <p>Visitors to residences within the city cannot legally visit before 7am and after 7pm if they use a pickup truck. Also residents and other visitors from outside the city cannot legally park these vehicles on Miracle Mile to go to a restaurant without fear of being cited during these hours.</p> <p>Citizens who own rental property cannot rent to tenants who own pickup trucks as it will result in the homeowner being cited. I myself had to turn down a tenant and my then property manager Esslinger, Maxwell & Wooten lost a \$2000.00 commission on the rental. These examples demonstrate how the ordinance has a negative effect on commerce within the city.</p> <p>Please after all the time, effort, and expense devoted by the city's staff and boards to rewrite our new code let's incorporate the recommendations (plan A) and improve the code. Please see below the "Planning and Zoning Board Staff Report on this issue.</p> <p>Please let me know your feelings on this issue.</p> <p>My recommendation below is that the Planning and Zoning Boards recommendation below option A be included in the new Zoning code for approval by the city commission.</p> <p>Thank You, Larry Horton 6604 Leonardo St. Coral Gables, FL 33146 7786-268-1429</p>
11.	09/20/06 via email	Steve Bosson 1437 Sopera Avenue Coral Gables, FL 33134	abosson@bellsouth.net	<p>Dear Gentlemen, I kindly request you make sure that my previous emailed comment to Coral Gables elected officials regarding my opposition to current code restrictions for pickup truck parking (see below) be included in the appropriate 'public comments' section on the City's website. Thanks very much,</p>

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				<p>Steve Bosson</p> <p>Hello,</p> <p>My name is Steve Bosson and I am a resident of Coral Gables. I am opposed to the current city restrictions regarding the parking of pickup trucks. I believe these restrictions are a violation of constitutionally protected property rights and are based on nothing but the arbitrary whim of a previous city government. I strongly support you, as our elected Coral Gable officials, to remove all pickup truck parking restrictions in the upcoming rewrite of the codes. Pickup trucks are perfectly fine vehicles and are the vehicle of choice for many of our Coral Gables residents. To have different laws for the owners of pickup trucks than for SUV or car owners is, to me, is a clear example of the arbitrary abuse of governmental power. Go ahead and restrict overhanging cargo which may endanger people, but leave the vehicle type out of it.</p> <p>Thank you. Steve Bosson 1437 Sopera Ave. Coral Gables, FL 33134</p>