

	<p align="center">City of Coral Gables Planning and Zoning Staff Recommendation</p>
<p>Applicant:</p>	<p>City of Coral Gables</p>
<p>Application:</p>	<p>Discussion Item: City Code Amendments – Chapter 105, Article 2, Section 105-28, “Construction Staging Plans”</p>
<p>Public Hearing - Dates/Time/ Location:</p>	<p>Planning and Zoning Board January 9, 2013, 6:00 – 9:00 p.m., City Commission Chambers, City Hall, 405 Biltmore Way, Coral Gables, Florida, 33134</p>

Discussion Item.

The City Commission is requesting Planning and Zoning Board consideration of the following:

An Ordinance of the City Commission of Coral Gables, Florida amending the Code of the City of Coral Gables Chapter 105, “Building and Building Regulations”, Section 105-28, “Construction staging plans”, to require City review and approval of decorative wrap and signage placed construction fencing; providing for severability, repealer, codification, and an effective date.

Background Information.

At the 08.28.12 City Commission meeting, the Commission was presented a request to install a custom wrap with graphic images on a temporary construction fence intended to screen a construction site in the Central Business District. During their deliberation of the item, the Commission directed City Staff to review and prepare draft amendments to the City Code that would regulate decorative wrap and signs on construction fencing for future requests. The Commission cited the current proliferation of graphics and signage on the fencing that surround commercial construction sites in the downtown area. Visual/dust barriers for construction fencing is addressed in City Code Section 105-28, “Construction staging plans”, but those provisions do not include or regulate the use of decorative wrap and signage. The minutes from the 08.28.12 City Commission meeting are provided as Attachment A.

The Commission requested that the proposed regulations should be reviewed by the Planning and Zoning Board prior to final consideration by the Commission. On 11.13.12, the Commission considered and approved the amendments prepared by City Staff on first reading with a request that provisions regarding the graphic use of historic City landmarks should be added and that illustrations of the proposed amendments be provided at second reading. The revised Zoning Code text amendment is provided in ~~strike thru~~/underline format in Attachment B, and the illustrations are provided as Attachment C.

This is being presented to the Board as a discussion item. The Board’s responsibilities include recommending to the Commission on proposed Zoning Code amendments, but the Board does not typically recommend on amendments to the City Code. Verbatim minutes of the Board’s discussion shall be provided to the City Commission when this item is reconsidered on second reading.

Proposed City Code Amendments.

The revised Zoning Code text amendment is provided in ~~striketru~~/underline format in Attachment B. A draft Ordinance has been prepared and is provided as Attachment D.

The proposed amendments have been reviewed by City Staff including the City Attorney’s Office, Building Department and the Planning and Zoning Department. Planning Staff will present the proposed amendments to the Board at the meeting and will secure input and testimony.

Public Hearing Timetable.

Consideration of the proposed City Code amendments by the City Commission has been tentatively scheduled for Tuesday, January 22, 2013.

Public Notification.

The following has been completed to provide notice of the request:

Public Notice	
Type	Date
Legal advertisement	12.27.12
Posted agenda on City web page/City Hall	12.27.12
Posted Staff report on City web page	01.04.13

Staff Recommendation.

City Staff recommends approval of the following:

An Ordinance of the City Commission of Coral Gables, Florida amending the Code of the City of Coral Gables Chapter 105, “Building and Building Regulations”, Section 105-28, “Construction staging plans”, to require City review and approval of decorative wrap and signage placed

construction fencing; providing for severability, repealer, codification, and an effective date.

Attachments.

- A. 08.28.12 City Commission meeting minutes.
- B. City Code amendments in ~~striketrough~~ / underline format.
- C. Illustrations of proposed amendments.
- D. Draft Ordinance.

Please visit the City's webpage at www.coralgables.com to view all Application materials, notices, applicable public comments, minutes, etc. The complete Application and all background information also is on file and available for examination during business hours at the Planning Division, 427 Biltmore Way, Suite 201, Coral Gables, Florida, 33134.

Respectfully submitted,



Eric Riel, Jr.
City Planner
City of Coral Gables, Florida

**City of Coral Gables City Commission Meeting
Agenda Item C-4
August 28, 2012
City Commission Chambers
405 Biltmore Way, Coral Gables, FL**

City Commission

**Mayor Jim Cason
Vice Mayor William H. Kerdyk, Jr.
Commissioner Maria Anderson
Commissioner Rafael "Ralph" Cabrera, Jr.
Commissioner Frank Quesada**

City Staff

**City Manager, Patrick Salerno
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia**

Public Speaker(s)

Burton Hersch, Attorney Representing Applicant

C-4 [Start: 9:40:12 a.m.]

Resolution authorizing Balbro 25-26, LLC to install a custom wrap with graphic images on the existing temporary construction fence on the right-of-way around the site located at 2418-22-26-40 Ponce de Leon Boulevard, Coral Gables, FL.

Mayor Cason: OK. Who would like to talk about C-4?

Vice Mayor Kerdyk: Commissioner Cabrera go ahead.

Commissioner Cabrera: It is my item. C-4 for those of you in the audience and those that are watching at home is a resolution authorizing Balbro 25-26, LLC to install a custom wrap with graphic images on the existing temporary construction fence on the right-of-way around the site located at 2418-22-26-40 Ponce de Leon Boulevard, Coral Gables, FL. For those of you who are unfamiliar with the site, this is right on the corner, the northwest corner of Almeria and Ponce de Leon Boulevard; and it's an exciting project because it is a new restaurant that will be built there.

It looks like a new restaurant. The name of the restaurant is Bricktop's, and so personally I'm excited that we are going to have a new restaurant in that section of the Gables. The only reason I brought the item up for discussion is really two-fold; one, I saw the item had an exhibit and from what I could see the exhibit was of the actual building with the website underneath, so based on this I'm assuming that, that's the actual wrap around or the graphic images that we want to, that the applicant wants to put up. So I wanted to get clarification on that, but secondly, I also wanted to get clarification, and I wanted to see where we were going with this whole thing of graphic images and we've had a long-standing history. This City has been very conservative when it comes to advertising, very, very conservative, and personally I like it, I think it's why I've lived here so many years. One of the reasons I've lived here so many years, and so I was kind of wondering, or I was just wondering for the rest of us how we feel about doing this?-because eventually if we continue to do it, it will become the norm, it will not become a special request, and we've seen that at the Old Spanish Village, which by the way, if you drive by there today you'll see that all the banners are down, all the graphic images are down because obviously the storm had some effects on it, and so these are some of the considerations that I'd like to talk about specifically on this item, but I really want to get a better sense from this government what direction are we going to take?- what are the five of us want to do?

Vice Mayor Kerdyk: I'd be glad to speak on it. I actually was going to pull that too for many of the same reasons that you outlined in your discussion. Basically, the City of Coral Gables allow these custom wraps, I think they are being done on an individual basis, it's not an ordinance or maybe we need to look at ordinance legislating this to a certain degree. From my standpoint this basically has metamorphic from a wrap having pictures of historic buildings in the City of Coral Gables to now having pictures of the site or structure that its outlining, and basically turning it into a billboard with a www.bricktops.com underneath it. As City legislators we have done, we've been so persistent and so aggressive being conservative with the signage on City buildings and to allow this billboard in the middle of the City of Coral Gables, I think really starts a dangerous precedent as far as advertising goes. I also don't think it's fair to their competitors, how do you feel if you own a restaurant right there and you know that bricktops.com is coming in sooner or later? I think that from our perspective we have a look at it from a larger perspective and try to draft an ordinance so that we don't have to deal with this on a specific basis every time it comes in front of us. I cannot vote for this as presented here and that's my thoughts on the issue.

Mayor Cason: I'd like to ask the Manager if the www.bricktops.com is in fact part of the wrap.

City Manager Salerno: I believe so. We have Mayor, Commissioners; Burton Hersch is here who can represent the applicant.

Mr. Burton Hersch: Good morning, Burton Hersch, offices at 300 Aragon, appearing for Balbro 25-26. The wrap does have the website and actually if you look in the Code one of the things that temporary signage is supposed to have are words advising the public about the product to be. When you do these buildings it's a huge, huge investment and I think that having nice graphics on the street advising the public of what's going on behind this mysterious fence, I think it's a good thing. I know that we did it at Seasons and as long as the graphic is nice, I think it's OK. I don't think it distracts from the visual quality of the street, which is what's important, but it actually enhances it because it tells you a little bit about the mystery.

Commissioner Quesada: I have a question for Commissioner Cabrera, Anderson and Kerdyk. In the past when there were wraps would it ever say like future home of blank?- is that what it would have?- it never would have any kind of contact information or website? So let me ask a question...

Commissioner Cabrera: We've had other wraps that had contact information like websites, so what's being outlined is not necessarily something out of the norm.

Vice Mayor Kerdyk: I think the key is that I don't know if we should be legislating this every single time somebody puts a wrap and there needs to be some basic framework and I'm by no means complaining or blaming the City Attorney. Quite to the contrary, excuse me City Architect, I think he does a super job for us, but I think we need to give him some parameters. Now, if this is in scale Burton, people can't see it, but I will tell you that basically the advertising portion of it basically extends pretty much 80 percent of the overall graphic design of the restaurant itself. So, I don't think anybody up here is disputing having graphics on the building, I mean on the site, I think there might be some hesitancy to have strictly a restaurant as part of the graphics, maybe it's a combination of both, that's how we've done it before, I think it's been a combination of both to City structures and then a small area there to promote the project, but certainly this I think is out of character for this location.

Mr. Burton Hersch: It is 16 square feet.

Vice Mayor Kerdyk: 16 square feet – OK.

Commissioner Cabrera: That's an important element, that's an important element to bring up.

Mr. Burton Hersch: And that's within the parameters of temporary signage, 16 square feet is the number.

Commissioner Cabrera: That's helpful.

Mayor Cason: The last one we did was that the Palace?- we did one that I recall...

Commissioner Cabrera: Seasons 52.

Mr. Burton Hersch: Three times that – we did Seasons, we did three of them.

Commissioner Cabrera: Well and the Old Spanish Village.

Mr. Burton Hersch: Spanish Village was even....

Commissioner Cabrera: Bigger.

Vice Mayor Kerdyk: Wait, wait, wait, a lot of that again, a lot of that was historic buildings in the City of Coral Gables and there'd be a small panel for the Old Spanish Village, just like the Ponce Building there on....listen, I'm not trying to make the ordinance right here. I think maybe somebody that we can defer this to can come up with an idea of what we should put in there and then we can discuss it at a later time. The question is, I can't approve this as it stands right now.

Mr. Burton Hersch: Just in respect to this one, if I may? If you look at the overall scale of this, if this is the length of the street, this sign is this big.

Commissioner Cabrera: Right. Well, see you putting this in perspective, I read nowhere in here that it's 16 by 16.

Mr. Hersch: No, it's actually 5 foot by 3 foot and change.

Commissioner Cabrera: OK.

Mr. Hersch: 16 square feet....

Vice Mayor Kerdyk: But when you say wrap people are thinking its wrapping around.

Commissioner Anderson: I guess that's just a technical term.

Commissioner Cabrera: You know the way I view this, I went to the site and looked at it from the corner, from the southeast corner to try to get a flavor for this, and here's what I thought your client was doing, I thought they were wrapping the entire corner to reflect a finished building, the finished product, because I've seen that done. So now when you put it in this perspective I'm OK

with it; however, I concur with Mr. Kerdyk, I think we need to create some guidelines so this doesn't come to us as an anomaly each and every time, because I really don't want to legislate, I'll legislate anything, but I really don't want to legislate this, only because I think this is very architecturally driven. There is a lot of consideration being given, you talked about the investment of the applicant and I fully understand that. So I don't want you to think that it's because – I'm going to vote in favor of it now that you've convinced me, but I did have some serious concerns walking into this item today.

Commissioner Anderson: I actually like the signage, but I do agree that maybe if there are parameters that we can set or maybe the Planning Board can set, look at and discuss at a public hearing, I'd have no problem with that. I'm a little more liberal in that, I think it's actually very attractive from a street standpoint and its small, you're right, and that does make a big difference.

Commissioner Cabrera: I think if you really....go ahead.

Vice Mayor Kerdyk: No, I just thought like you, I thought it was a wrap, a wrap like all the other buildings in the City of Coral Gables has been a wrap around the building, and you are saying no, it's just a small portion....OK, that I can deal with, but I still think that we should legislate it and get an ordinance drafted...

Commissioner Cabrera: But have a frame work legislation?

Vice Mayor Kerdyk: Yes.

Commissioner Cabrera: I agree.

Commissioner Anderson: I agree.

Mayor Cason: But you don't have to deal with these in Consent Agenda Items, I think if we set up parameters, I agree with you.

Commissioner Quesada: I'm going to make a motion.

Commissioner Cabrera: To approve it?

Commissioner Quesada: I want to make a motion unless....

Commissioner Cabrera: That's OK, you can make the motion on the item...

Commissioner Quesada: I think everyone is saying the same thing.

Commissioner Cabrera: No, I'm just going to say that I think he is going to get a 5-0 vote, if Brick Tops can guarantee us free pizza for a year (laughter), that can be done without any problem, just for the five of us.

Mr. Hersch: I see no problem.

Commissioner Cabrera: You've got my vote buddy.

Mayor Cason: Why don't we....

Commissioner Quesada: The motion is to direct staff to review this ordinance to see if there is a better way to deal with this in the future and then for the Planning and Zoning Board to take the first review, and then for us to take a look at it, is that....

Commissioner Cabrera: But we are going to go ahead and pass this today.

Mayor Cason: Your motion is to have Planning....

Commissioner Quesada: Have staff review it, give the recommendation to Planning and Zoning, Planning and Zoning take a look at it and then have it come to us.

Mayor Cason: OK. Do we have a second?

Commissioner Cabrera: Second.

Mayor Cason: OK. Commissioner Quesada makes the motion, Commissioner Cabrera seconds it.

City Clerk

Commissioner Anderson: Yes

Commissioner Cabrera: Yes

Vice Mayor Kerdyk: Yes

Commissioner Quesada: Yes

Mayor Cason: Yes

(Vote: 5-0)

Commissioner Cabrera: Mr. Mayor before we leave this item, I'd like to take this opportunity since you are the architect for this project, Mr. Hersch. I don't know if the rest of you have noticed this, but along that corridor on Ponce de Leon, we've got another construction site just north of the Brick Top site, and you know, I work in downtown Coral Gables, in fact that's an area that I frequent. I would like staff to really look into the staging construction sites because what is happening is both in the Brick Top site and the site that's further north pedestrian accessibility is gone, people are having to cross the street in order to get back on the sidewalk and walk either north or south.

Mr. Hersch: Brick Tops does have....

Commissioner Cabrera: It does have a walkway?

Mr. Hersch: Yes....it is incorporated.

Commissioner Cabrera: The site north of you doesn't have a walkway and it causes folks, and especially when it was first started, this project was first started what was happening was, there was poor signage and so people walking south were finding themselves going on Ponce de Leon Boulevard, and I'd really like to see....I marvel at these staging areas in Coral Gables; I've been to downtown Atlanta, I've been to downtown New York, downtown Boston, downtown Chicago and they build these skyscrapers and there is still accessibility for pedestrians, they don't have to cross the street or be deviated as far as we seem to deviate people.

Mr. Hersch: It can be done, it can be done.

Commissioner Cabrera: I think it can, if there is a will it can be done, but I'd like staff to take note of this because I think it puts us in a life safety situation in many instances.

Mr. Hersch: Absolutely.

Mayor Cason: OK on Item C-4 then, do we have a motion?

Vice Mayor Kerdyk: We already did.

City Attorney Leen: It's already passed.

Commissioner Cabrera: It's done.

Mayor Cason: I thought we had your motion....your motion was more general.

Commissioner Quesada: It was more general as to legislation. I'll make a motion for it to approve this item now.

Mayor Cason: Commissioner Quesada makes a motion.

Vice Mayor Kerdyk: OK, that's fine.

Mayor Cason: Vice Mayor seconds it.

City Clerk

Commissioner Cabrera: Yes

Vice Mayor Kerdyk: Yes

Commissioner Quesada: Yes

Commissioner Anderson

Mayor Cason: Yes

(Vote: 5-0)

City Attorney Leen: Mr. Mayor could I just get clarification on what the first motion was then?

Commissioner Quesada: The first motion was to have staff take a look at the ordinance generally as it relates to signage and the wrap around, these kinds of graphics in this scenario, and then to give a recommendation to Planning and Zoning for them to have a vote and then for it to come before us.

City Attorney Leen: Makes sense – and just there was no confusion, everyone was fine with that.

Commissioner Cabrera: Well I was confused, but I voted positively on both.

City Attorney Leen: But you support both?

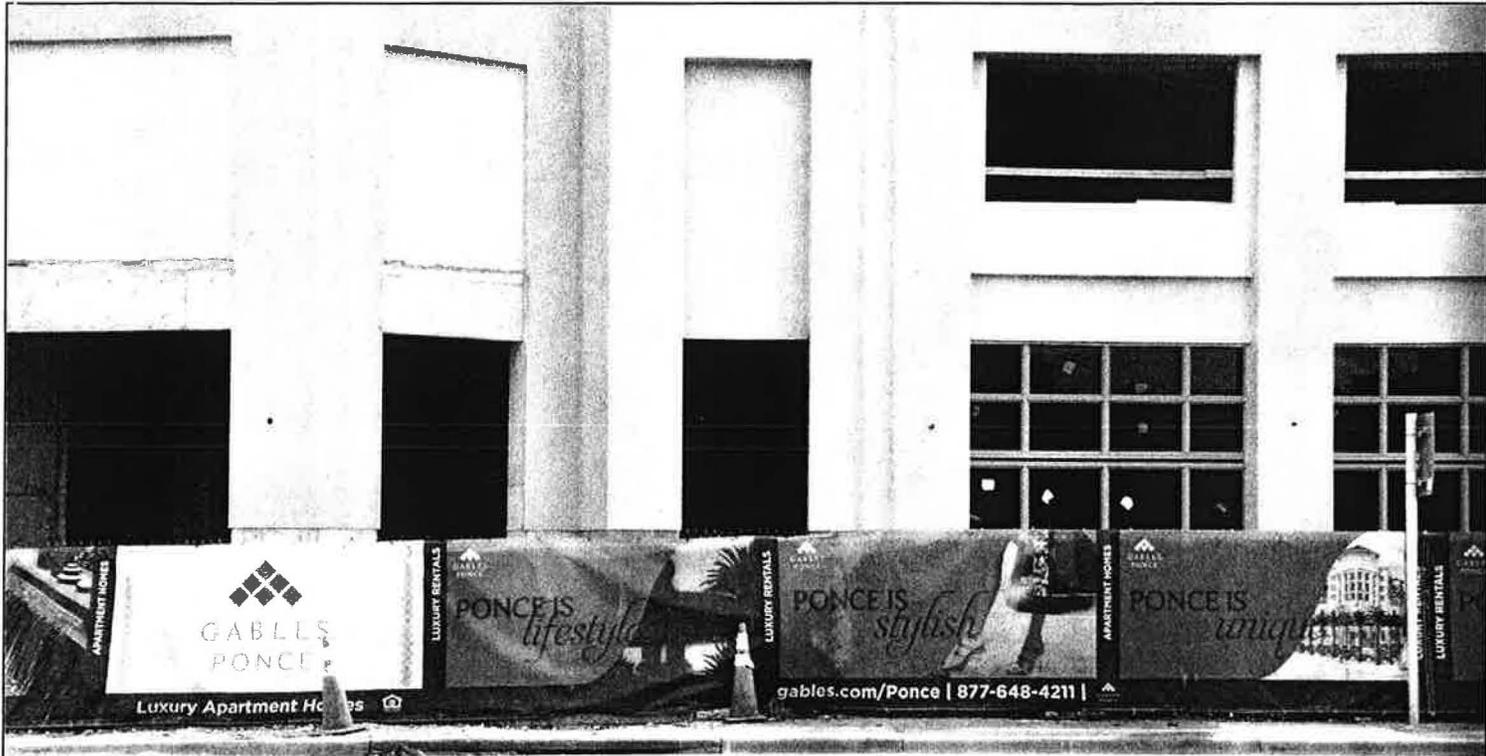
Commissioner Cabrera: Yes sir, I do.

[End: 9:54:37 a.m.]

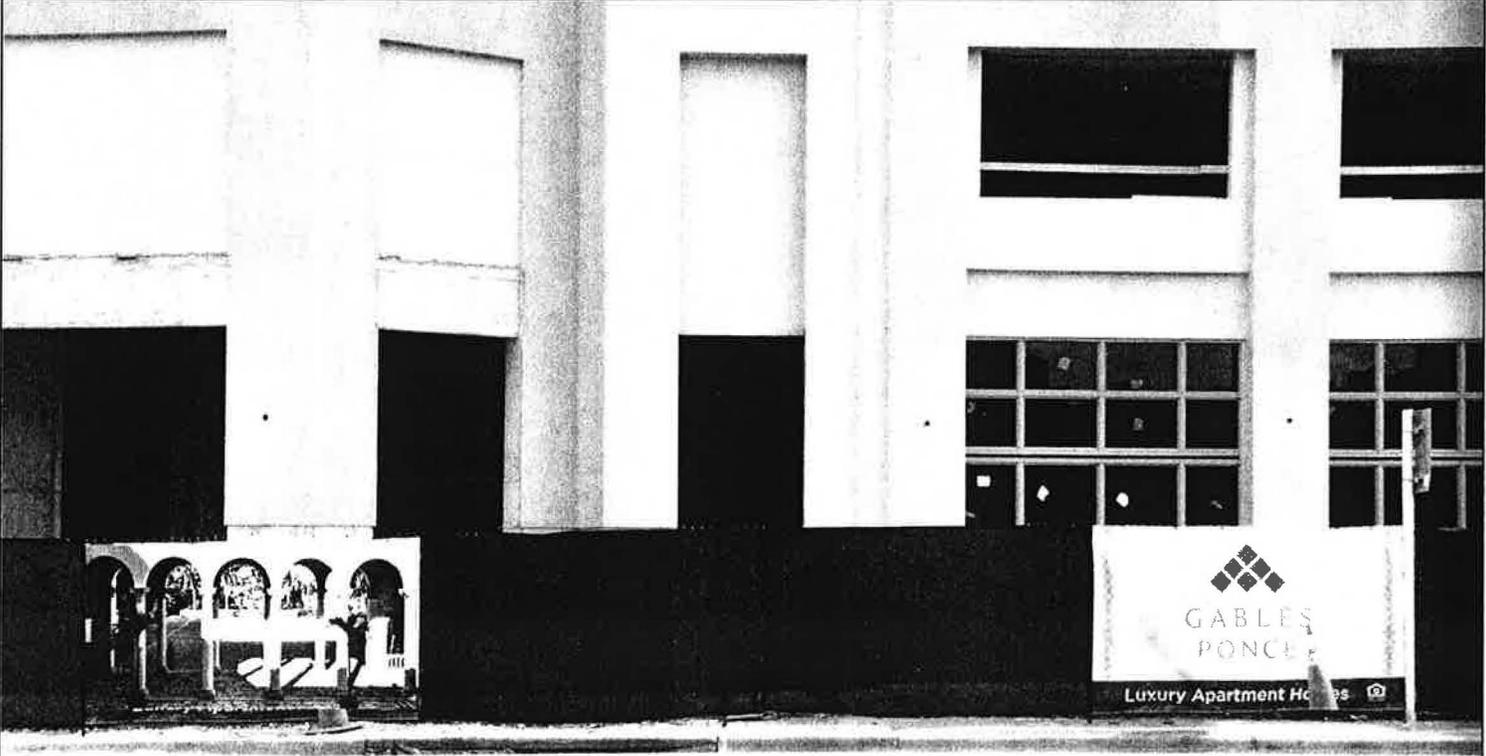
Sec. 105-28. – Construction staging plans.

The general contractor of a construction project which ~~has~~ have off-site impact affecting the public rights-of-ways (i.e., obstruction of rights-of-ways) shall be required by the ~~building and zoning~~ Development Services Department to provide a construction staging plan.

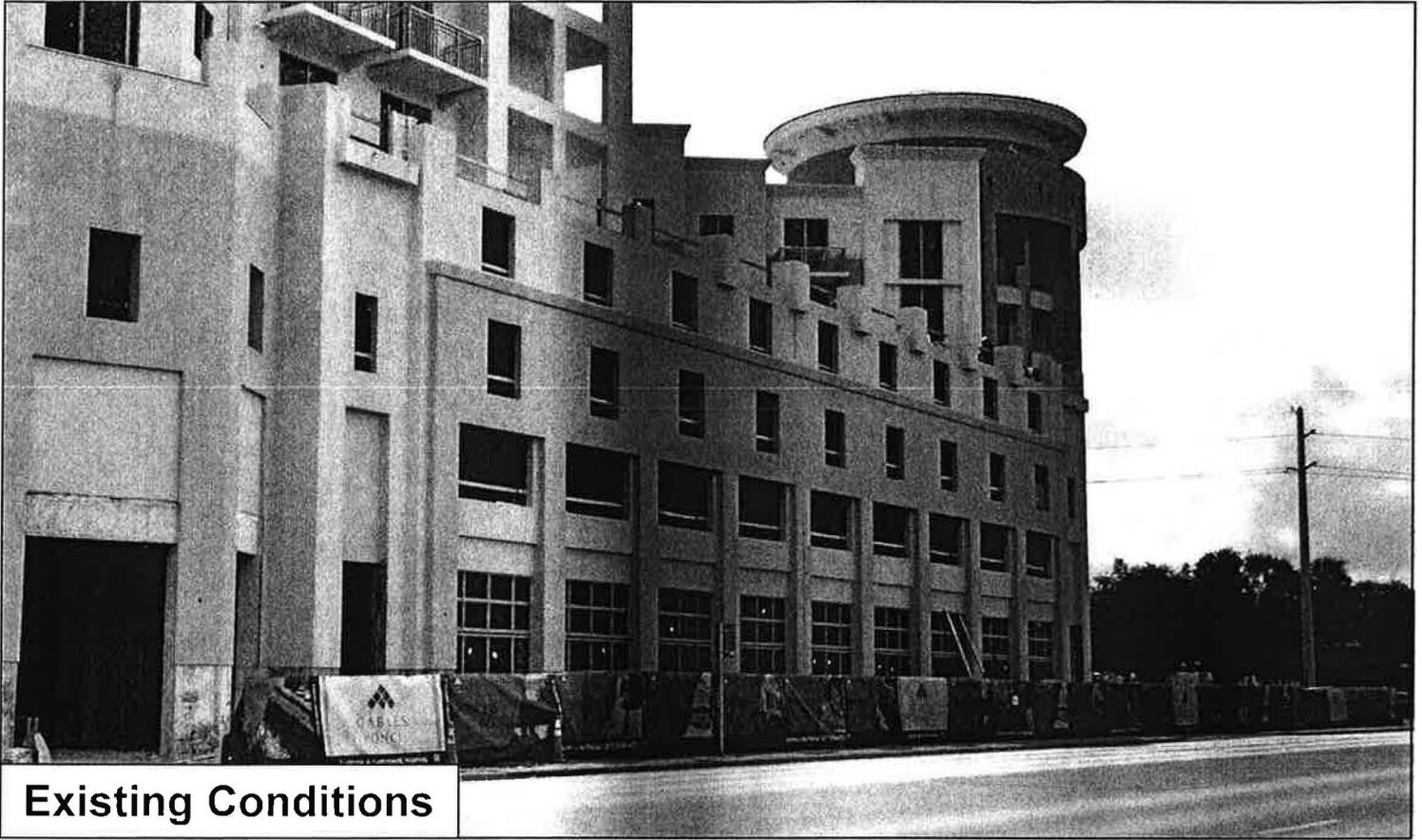
- (1) A construction staging plan will include, but not be limited to, the following elements:
 - a. Parking provisions for construction workers.
 - b. General traffic and detours including specific routes to and from the construction site.
 - c. Delivery and location of cranes.
 - d. Delivery and storage of materials.
 - e. Use of state certified flaggers with state approved equipment and off-duty police officers.
 - f. Construction fencing with visual/dust barriers or decorative wraps. ~~At the request of the applicant,~~ a A construction fence shall ~~may~~ be covered with a visual/dust barrier; ~~plain wrap~~ or, at the request of the applicant, with visual displays for public information. Visual displays for public information shall be placed along no more than 50% of the length of the frontage on no more than two streets, as reviewed and approved by the City Architect. Up to half of the length of the visual display for public information may be current and approved architectural renderings and the name and website of the proposed project. The balance of the length of the visual display for public information shall consist of photographs or architectural renderings of historic buildings and landmarks of Coral Gables. All visual/dust barriers and wraps shall be kept clean and in good condition and all information about the site shall be valid and current.
 - g. Temporary on premise construction signs, identifying the owner, agent, contractor or other professionals involved in the construction of the project, as regulated by Section 5-1904 of the Zoning Code.
 - h. Temporary field-office.
 - i. Temporary parking management including, ~~Use~~ of meter parking spaces and no more than two directional signs to parking lots and garages, not exceeding 6 square feet in area, located within 6 feet of grade.
 - j. Use of right-of-way.
 - k. Provisions for pedestrian safety and pedestrian paths.
 - l. Location of construction dumpsters.
 - m. Provisions for fire and life safety plan for construction.
 - n. Any other issues which may uniquely relate to a particular construction site.



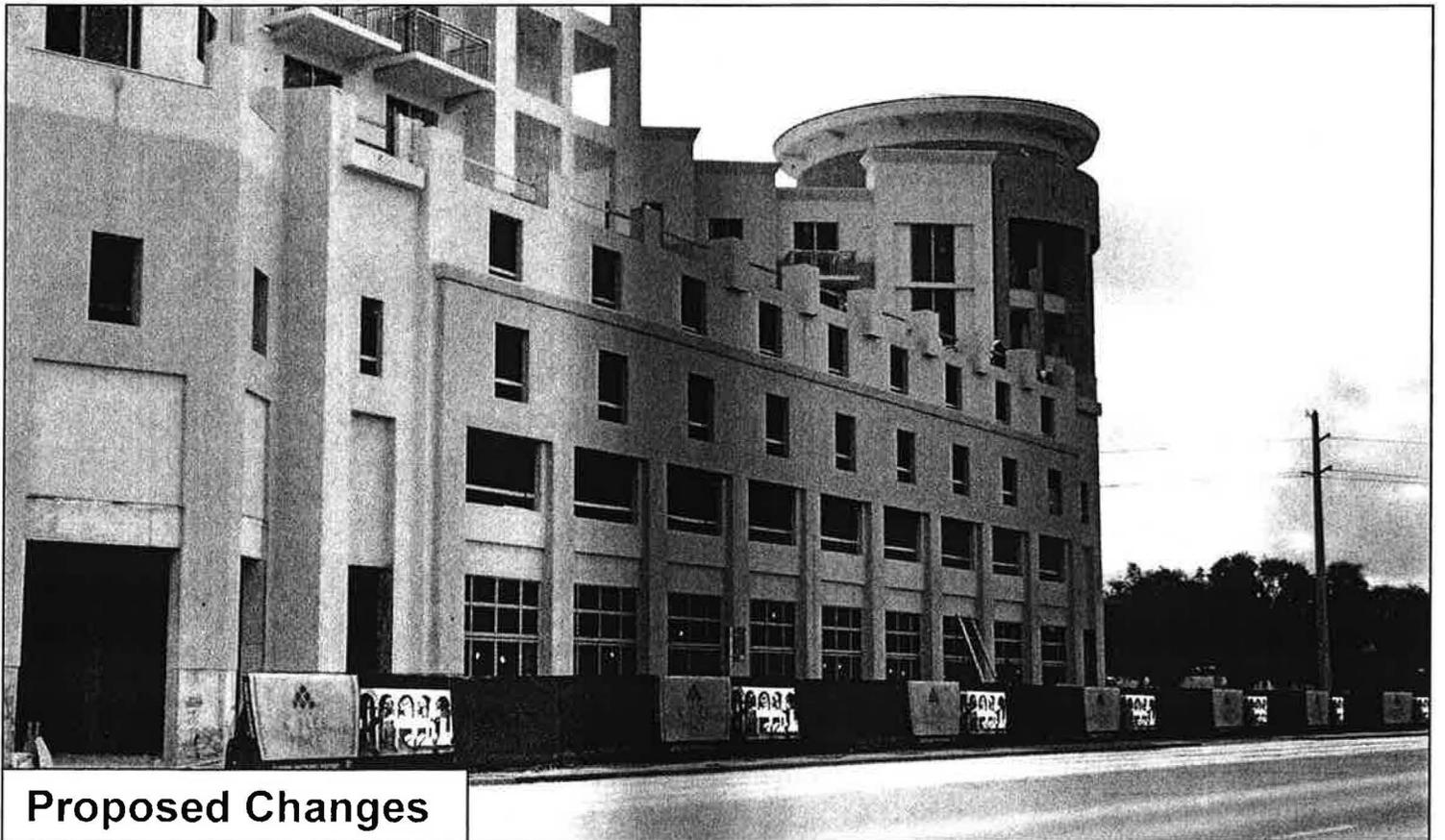
Existing Conditions



Proposed Changes



Existing Conditions



Proposed Changes

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA AMENDING THE CODE OF THE CITY OF CORAL GABLES CHAPTER 105, "BUILDINGS AND BUILDING REGULATIONS", SECTION 105-28, "CONSTRUCTION STAGING PLANS", TO REQUIRE CITY REVIEW AND APPROVAL OF DECORATIVE WRAPS AND SIGNAGE AT CONSTRUCTION SITES; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, at a recent Commission meeting, the Commission asked staff to review and prepare draft amendments to the City Code that would regulate decorative wraps and signage at construction sites; and,

WHEREAS, visual/dust barriers for construction fencing is addressed in the City Code Chapter 105, "Buildings and Building Regulations", Section 105-28, "Construction staging plans", but those provisions do not include or regulate the use of decorative wraps and signage; and,

WHEREAS, draft amendments to the City Code were prepared by staff providing for the regulation of the use of decorative wraps and signage at construction sites for the Commission's consideration; and,

WHEREAS, on November 13, 2012, the City Commission was presented with the amendments to the City Code, and after due consideration and discussion, approved the amendments on First Reading (vote: 5-0); and,

WHEREAS, on January 9, 2013, at the request of the City Commission, the proposed amendments were presented to the Planning and Zoning Board for review and comments, and the Board's comments were provided to the Commission in the meeting minutes.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. The foregoing "**WHEREAS**" clauses are hereby ratified and confirmed as being true and correct and hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. The Code of the City of Coral Gables Chapter 105, "Buildings and Building Regulations", Section 105-28, "Construction staging plans" is hereby amended as follows (changes in strikethrough / underline format):

Sec. 105-28. – Construction staging plans.

The general contractor of a construction project which ~~has~~ have off-site impact affecting the public rights-of-ways (i.e., obstruction of rights-of-ways) shall be required by the ~~building and zoning~~ Development Services Department to provide a construction staging plan.

- (1) A construction staging plan will include, but not be limited to, the following elements:
 - a. Parking provisions for construction workers.
 - b. General traffic and detours including specific routes to and from the construction site.
 - c. Delivery and location of cranes.
 - d. Delivery and storage of materials.
 - e. Use of state certified flaggers with state approved equipment and off-duty police officers.
 - f. Construction fencing with visual/dust barriers or decorative wraps. ~~At the request of the applicant, a~~ A construction fence shall may be covered with a visual/dust barrier, plain wrap or, at the request of the applicant, with visual displays for public information. Visual displays for public information shall be placed along no more than 50% of the length of the frontage on no more than two streets, as reviewed and approved by the City Architect. Up to half of the length of the visual display for public information may be current and approved architectural renderings and the name and website of the proposed project. The balance of the length of the visual display for public information shall consist of photographs or architectural renderings of historic buildings and landmarks of Coral Gables. All visual/dust barriers and wraps shall be kept clean and in good condition and all information about the site shall be valid and current.
 - g. Temporary on premise construction signs, identifying the owner, agent, contractor or other professionals involved in the construction of the project, as regulated by Section 5-1904 of the Zoning Code.
 - h. Temporary field-office.
 - i. Temporary parking management including, Use of meter parking spaces and no more than two directional signs to parking lots and garages, not exceeding 6 square feet in area, located within 6 feet of grade.
 - j. Use of right-of-way.
 - k. Provisions for pedestrian safety and pedestrian paths.
 - l. Location of construction dumpsters.
 - m. Provisions for fire and life safety plan for construction.
 - n. Any other issues which may uniquely relate to a particular construction site.

SECTION 3. All ordinances or parts of ordinances that are inconsistent or in conflict with the provisions of this Ordinance are repealed.

SECTION 4. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 5. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of the City of Coral Gables, Florida, which provisions may be renumbered or re-lettered and the word ordinance be changed to “section”, “article”, or other appropriate word to accomplish such intention.

SECTION 6. If the Code of the City of Coral Gables Tables of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 7. This ordinance shall become effective _____, 2013.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D., 2013.

(Moved:)
(Yeas:)
(Unanimous;)
(Agenda Item:)

APPROVED:

JIM CASON
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

CRAIG E. LEEN
CITY ATTORNEY