

**City of Coral Gables**  
**Planning and Zoning Board Meeting Minutes**  
**August 27, 2003**  
**Coral Gables City Commission Chambers**  
**405 Biltmore Way, Coral Gables**

<b>Members:</b>	<b>J</b>	<b>F</b>	<b>M</b>	<b>A</b>	<b>M</b>	<b>J</b>	<b>J</b>	<b>A<sub>25</sub></b>	<b>A<sub>27</sub></b>	<b>S</b>	<b>O</b>	<b>N</b>	<b>D</b>	<b>Appointed by:</b>
Manny Kadre	E	P	P	E	P	X	P	P	P					City Manager
Tom Korge	*	*	*	P	P	X	P	P	P					Vice Mayor Wayne "Chip" Withers
Bill Mayville	*	*	*	*	*	X	P	P	P					Commissioner William H. Kerdyk Jr.
Cristina Moreno	P	P	P	P	P	X	P	P	P					Planning & Zoning Board
Felix Pardo	P	P	P	P	P	X	P	P	P					Mayor Donald D. Slesnick, II
F. Michael Steffens	P	P	P	P	P	X	P	P	P					Commissioner Rafael "Ralph" Cabrera, Jr.

**A = Absent**  
**P = Present**  
**E = Excused**  
**\* = Not Appointed**

**City Staff:**  
Elizabeth Hernandez, City Attorney  
Eric Riel, Jr., Planning Director  
Walter Carlson, Assistant Planning Director  
Richard Cannone, Principal Planner  
Scot Bolyard, Planner  
Alberto Delgado, Public Works Director

**Recording Secretary:**  
Carol Marcus Stanley

Chairman Felix Pardo called the meeting to order at 6:07pm. The Recording Secretary called the roll and concluded that a quorum was present.

**I. PONCE-RIVIERA VILLAGE: APPROVAL OF APPLICATION NO. 05-03-105-P, PLANNED AREA DEVELOPMENT (PAD) SITE PLAN REVIEW AND ZONING CODE TEXT AMENDMENTS**

Chairman Felix Pardo invited Walter Carlson to address the Board. (A copy of Mr. Carlson's PowerPoint presentation is attached hereto Attachment "A".) Whereupon, Walter Carlson appeared before the Board and stated that he would discuss the context of the application and then allow the applicant to present the details of the proposed site plan to the Board. Mr. Carlson stated that, in accordance with Article 10 of the Zoning Code for Block 37, Riviera Section Part 2, the applicant is requesting site plan review of a proposed Planned Area Development ("PAD") referred to as "Ponce-Riviera Village. Additionally, the applicant is requesting text amendments to the Zoning Code to existing site-specific provisions contained in Section 4-79 in order to reference the proposed PAD site plan.

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Mr. Carlson indicated that the proposed development includes 22 cluster single-family residential homes and 4 duplex-type buildings designed in the Bermuda architectural style. The project will include a one-way private "Mews" driveway, 2 internal parking courts for residential parking and provisions of services, 2 car garages for each single-family residence and assigned spaces for duplex residences. He stated that Live Oak trees will surround the entire project. Mr. Carlson stated that the property is currently vacant and could be developed with 15 separate duplex buildings with 30 units.

*{Manny Kadre in attendance: 6:10pm}*

Mr. Carlson continued by stating that an undeveloped alley easement bisects the property which the applicant has requested to be vacated. The applicant's alley vacation has been favorably recommended by the Street and Alley Vacation Committee and will be considered by the City Commission concurrently with this site plan review request. He stated that the property has the following 2 zoning designations: "Residential Use (Multi-Family) Duplex Density" and "D", Duplex, which are both allowed for the proposed PAD. The property is surrounded on the North by residential and commercial properties; on the South by residential properties; on the East by the Metro-Rail and Fire Station No.2; and on the West by residential properties. The existing property is comprised of 3.4 acres, and 30 residential units with a 34' maximum height (2 stories) are being proposed, which is currently permitted. There will be 72 on-site parking spaces; although only 56 are required. Thirty-seven percent of the site will be landscaped (20% is required by Code).

Mr. Carlson stated that the Zoning Code establishes the following 6 standards with regards to the development control for PADs:

1. Permitted locations for PADs;
2. Uses permitted;
3. A relationship of PAD to zoning regulations;
4. Development of Regional Impact (DRI), which does not apply;
5. Minimum development standards; and
6. Size and uses in specific areas, which applies to areas within the downtown and North Ponce areas.

He explained that if there are conflicts between PAD provisions and general zoning, PAD regulations shall apply unless the PAD provisions do not serve the public purpose to a degree at least equivalent to such general zoning, or that the applicant's proposal satisfy public purposes to at least an equivalent degree. He provided the Board with a list of design standards of PADs and, additionally, provided the Board with previous reviews conducted with regards to the project, including:

1. December 13, 2002: Preliminary Review Committee;

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2. May 29, 2003: Board of Architects (received preliminary approval); and
3. June 18, 2003: Street and Alley Vacation Committee.

Additionally, Mr. Carlson continued, the proposed project had been reviewed by the City Manager's Office, and the departments of Building and Zoning, Public Works, Public Service, Police, Fire and Planning. He stated that the Planning Department recommends approval of the proposed "Ponce-Riviera Village" PAD and the proposed text amendments to Zoning Code Section 4-70, "Riviera Section Part 2" with the following conditions:

1. Construction of the PAD shall be in conformance with the approved site plan, landscaping plan and all representations and exhibits submitted by the applicant;
2. All conditions of approval shall be included in a restrictive covenant subject to review and approval by the City Attorney;
3. The terms, conditions and limitations of a property (condominium) owners association shall be drafted as required prior to consideration by the City Commission;
4. Applicant shall maintain all landscaping in accordance with the approved landscaping plan; all landscaped areas shall be irrigated with 100% coverage;
5. Parking lot entrances shall not be gated; and
6. Alley easement vacation shall be subject to review and approval by the City Commission.

Mr. Carlson concluded his presentation by stating that the application has been tentatively scheduled to be heard by the Commission on September 23<sup>rd</sup> for first reading, and on October 14<sup>th</sup> for second reading. Whereupon, he stated that the applicant is available to answer any questions imposed by the Board.

#### **SWEARING IN OF INTERESTED PARTIES**

Chairman Felix Pardo then directed that all interested parties who wished to address the Board be sworn in. Whereupon, the Recording Secretary attended to swearing in all such interested parties.

Coming before the Board appeared Laura Russo, of Russo & Baker, with offices located at 2655 LeJeune Road, Coral Gables, representing Ponce Riviera LLC, whose principals are Brian McBride, Paul Weiss and Vinnie Toren. Ms. Russo introduced Elizabeth Plater-Zyberk and Javier Iglesias of the architectural firm who designed the proposed property.

Ms. Russo stated that the applicant started the project over one year ago with a June 2002 meeting with the neighbors within 1,000' of the property. Three months later, the applicant returned back to the neighbors with a preliminary concept. She stated that this month the applicant met with the neighbors for the third time to show the neighbors how the project was affected by the comments of the different departments of the City. Whereupon she invited Elizabeth Plater-Zyberk to address the Board to discuss the details of the site plan.

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Elizabeth Plater-Zyberk, of DPZ & Company, with offices located at 1023 S.W. 25<sup>th</sup> Avenue, Miami addressed the Board. She discussed that in the meetings with the neighbors, several issues arose, but primarily with regards to traffic, parking and density. The neighbors are concerned that the area is already a high-traffic area, including the traffic from the neighboring high school. She stated that there has been some concern about parking on the site because some of the commercial property parking to the east had a tendency to flow onto the vacant site, which issue has been addressed in recent years with 'no parking' signs. With respect to the issue of density, she stated that the property is between the duplex properties on Ponce, commercial property on the east, single-family properties to the west and the transit and South Dixie Highway to the east.

Ms. Plater-Zyberk explained that vacating the alley is misleading because the alley entrance to all of the parking will remain. The proposed plan reconfigures the alley so that it is not in a straight line through the site. All of the parking entries to the units, including the guest parking, are in the parking courts. The applicant introduced the private driveway which runs between Ponce and Loretto because it is close to transit and other businesses and because the applicant understands that it is difficult to place the front doors of residential addresses on Ponce. The driveway permits 9 units to have an address on the private drive.

Although it is not possible to save the pine trees, she explained that all of the other major trees on the site are being saved. She showed the Board several views of the proposed site and discussed, in details the landscaping designs, elevations and locations, floor plans and dimensions of the houses and related courtyards.

Ms. Russo stated, in conclusion, that the proposed site provides 20 additional parking spaces comprised of 12 on-site and 8 spaces on Ponce that do not count for the requirement because they are on-street parking. Tom Korge asked whether the on-street parking spaces will be metered spaces. Ms. Russo responded that that issue has not been discussed with the Parking Department and indicated that the decision would rest with the Parking Department. She also stated that proposed plan takes into consideration the surrounding single-family residences and, at the same time, is compatible with the urban setting of the commercial uses and the Metro-Rail. Ms. Russo concluded by respectfully requesting that the Board approve the application.

Chairman Felix Pardo invited the public to comment on the applicant's proposal. Whereupon, Jortenio Martinez, residing at 4920 Biltmore Drive, Coral Gables, addressed the Board and stated that, at any time of the day, there are four or five cars waiting to cross Riviera. He indicated that he met with Mr. Jimenez and was given assurances that they would try to reduce the traffic flow at the corner of Blue Road and Biltmore Drive. He stated that, although he views the applicants project favorably, nothing has been done to remedy the existing traffic situation, and that the proposed development will worsen this situation.

Chairman Felix Pardo asked whether a representative of Public Works was present. Mr Riel responded that Planning Staff requested that a representative of Public Works, but there is no one

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from Public Works in attendance. Mr. Riel explained that the Public Works Department reviews all traffic studies and works closely with the applicants. Chairman Felix Pardo told Mr. Martinez that he has a valid concern which needs to be addressed and that he followed the proper channels by going to Public Works, even though he has not seen a solution to the traffic issue. Chairman Pardo told Mr. Martinez that the Board could not address specific traffic issues. Cristina Moreno stated that since the applicant already has the authority to build 30 units without prior approval, the Board cannot impose the traffic issue. Manny Kadre asked Mr. Martinez whether he met with the developer of the project and asked what he believes the developer could do to alleviate the traffic issue. Mr. Martinez indicated that the neighbors suggested building a circle on Blue Road and install stop signs. Chairman Felix Pardo stated that he would personally call Commission Ralph Cabrera to discuss the issue; however, he does not believe the applicant should be penalized for a condition that the City has not addressed.

Manny Kadre asked Ms. Russo whether this traffic flow issue was raised. Mr. Russo responded that the traffic issue was raised at the first meeting with the neighbors and that the problem was reported to Public Works. The applicant, in attempting to address the issue, chose to limit the number of driveways.

*{End of Public Commentary}*

Tom Korge made a motion to approve with all conditions recommended by Planning Staff, which motion was seconded by Michael Steffens.

Bill Mayville stated that, during a luncheon meeting with, former Commissioner Jim Barker, a lobbyist for the developer, this project was discussed for about 2½ minutes and was not sure if it was appropriate for him to vote on the time. Mr. Mayville invited the City Attorney to advise him in this regard and offered to withdraw his vote at the applicant's wish. Ms. Hernandez asked Mr. Mayville several specific questions with regards to his meeting with Mr. Barker and asked him whether he could deliberate on the matters and testimony and concluded that Mr. Mayville could participate and vote on the proposed application.

Tom Korge stated that Jim Barker also contacted him and was told that it would not be appropriate to discuss the matter with him.

Mr. Riel asked whether the applicant agrees to all of the conditions provided by Planning Staff. Ms. Russo responded that the applicant agrees to all of Staff's conditions.

Roll Call: Tom Korge, Bill Mayville, Cristina Moreno, Michael Steffens,  
Manny Kadre, Felix Pardo

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### II. ELECTION OF PLANNING AND ZONING BOARD CHAIRPERSON AND VICE CHAIRPERSON

Chairman Pardo asked whether there were any nominations for the positions of Chairperson. Whereupon, Michael Steffens moved to elect Cristina Moreno, which motion was seconded by Tom Korge.

Roll Call: Bill Mayville, Michael Steffens, Manny Kadre, Tom Korge, Felix Pardo

Chairman Pardo also asked whether there were any nominations for the position of Vice Chairperson. Whereupon, Manny Kadre moved to nominate Michael Steffens, which motion was seconded by Cristina Moreno.

Roll Call: Cristina Moreno, Manny Kadre, Tom Korge, Bill Mayville, Felix Pardo

*{Break at 6:48pm; Re-convened at 7:07pm}*

### **APPROVAL OF COMPREHENSIVE LAND USE PLAN TEXT AMENDMENT – INDUSTRIAL USE AND MIXED USE OVERLAY PROVISIONS**

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Cristina Moreno indicated that the Board, in its capacity as Local Planning Agency, would discuss the Comprehensive Land Use Text Amendment – Industrial Use and Mixed Use Overlay Provisions. Whereupon, Eric Riel came before the Board and stated that since Items #6 and #7 on the Agenda are inter-related, and that the Board will address Item #6 in its capacity as Local Planning Agency and Item #7 in its capacity as Planning & Zoning Board.

Mr. Riel continued with his presentation (a copy of which is attached hereto as Attachment “B”) by explaining that the two items before the Board involves: (1) an amendment to the Comprehensive Land Use Plan that deals with “Industrial Uses” and “Mixed Uses”; and (2) a text amendment to the Zoning Code that creates new mixed use overlay development standards known as Mixed-Use District Number 3. Mr. Riel introduced Richard Cannone, Principal Planner, to discuss the amendment to the Comprehensive Land Use Plan and indicated that he would re-address the Board to discuss the text amendments to the Zoning Code. Mr. Riel directed the Board to various attachments to the Board’s packet. In association with Item #7, the Board’s packet includes the following documentation:

- Attachment A – The Mixed-Use Overlay zoning provisions;
- Attachment B – Map indicating the location of the overlay with land use designations;
- Attachment C – The overlay with the zoning designation;
- Attachment D – Letter dated May 15, 2003, from the applicant regarding the Zoning Code Text Amendment, with application;
- Attachment E – Implementation of the Charrette Recommendations;
- Attachment F – Recommendations of the Mediterranean Ordinance Committee;

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- Attachment G – The draft findings of a study regarding the Design/Industrial District Master Plan;
- Attachment H – Industrial Area Field Analysis performed by Planning Staff; and
- Attachment I – Letter dated August 17, 2003, from the applicant regarding the proposed Mixed Use District No. 3 (“MDX3”) Amendments to the Comprehensive Plan and Zoning Code.

Whereupon, Richard Cannone addressed the Board to discuss the four (4) text amendments to the Comprehensive Land Use Plan proposed by Planning Staff. He stated the original intent for this area arose from a 1998 EAR Based CLUP Amendment that called for a master plan to be completed for the Industrial Area that would promote mixed use development. He directed the Board to the original language in the Comprehensive Land Use Plan as it relates to the Industrial Area. Mr. Cannone and stated that Planning Staff has proposed modifications to clarify the allowable uses. The proposed language permits all uses allowed in Industrial (M) Use districts”. The original language states ‘all commercial uses’. He further described that these amendments would govern the Southern Industrial Area only.

He explained that, with respect to the Northern Industrial Area, Planning Staff again defined the allowed uses as all uses permitted in the Industrial (M) use, which is inclusive of those uses permitted in Commercial “A”, “B” and “C”, the major change to this area is the removal of the discretionary architectural bonuses that increase FAR from (3.0 – 3.5) and increase the number of stories from 6 to 8 stories. Additionally, residential uses may be permitted as part of MXD3.

He further stated that although the existing Comprehensive Land Use Plan stated that mixed uses were allowed in Industrial Areas, a classification for Industrial was not apart of the “Mixed Use” category. Therefore, the proposed amended language specifically incorporates the industrial land use categories.

Mr. Cannone stated that Planning Staff is proposing the new provision which reflects the intent of the Mixed Use Overlay District, focusing on architectural design, aesthetics and public realm. Furthermore, land development regulations or the Zoning Code will determine the area and will determine the area and public realm improvements. The area and maximum threshold as it relates to density and FAR will defined as part of the Comprehensive Land Use Plan Amendments.

Mr. Cannone stated that there had been a dramatic transformation over the past 10 years in the Industrial Area. The number of industrial uses has diminished. The Village of Merrick Park set a new standard in the area. A field study conducted by Planning Staff revealed the following:

1. There were 61 businesses in the Industrial Area: only 4 of the 61 businesses are classified as “M” Uses: 3 of those business are animal hospitals and 1 is manufacturing facility;
2. Most building heights ranged from 18 to 25 feet (1 or 2 floors); and

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3. There were several vacant buildings.

Mr. Cannone discussed the percentage of total industrial land uses in the Industrial Area, which encompasses approximately 45 acres. The Village of Merrick Park makes up about 45% of the area, 47% is commercial, 2% is residential, and 6% is industrial. Mr. Cannone concluded by stating that the amendments [proposed by Planning Staff]: (1) clarifies the allowable industrial uses; (2) establishes the general intent on the MXD3; (3) establishes maximum threshold for density, height and FAR; (4) removes the discretionary architectural bonuses of 2 additional stories and the additional FAR of .5; (5) guide development with regulations sensitive to specific areas and changing market conditions; (6) promote desired types of mixed use development; (7) provide flexibility about the type of development permitted within the Industrial District; (8) strengthen the ability of Planning Staff, the Board and the City Commission to analyze mixed use development requests; and (9) provide for increased development intensity in exchange for pedestrian-level “public realm” improvements. Whereupon Mr. Cannone completed his presentation to the Board and invited Mr. Riel to discuss the Zoning Code Text Amendments.

With regards to the Zoning Code Text Amendments, Mr. Riel stated that Planning Staff is creating a new Mixed Use Overlay District and the set up is in the same format as the City’s Planned Area Development Regulations in that it includes its own public hearing process and allows the Board to review all aspects of development. The Board will be able to provide variations that will not need to go to the Board of Adjustments; the variances will still be reviewed by the Board of Architects, but the Board’s authority will be similar to the PAD format.

He explained that at the July 9<sup>th</sup> Planning and Zoning Board Meeting, Planning Staff presented preliminary concepts to the Board for the development of a new mixed use overlay zoning district for the area bounded by Bird Road to the north, Ponce De Leon Boulevard to the east, San Lorenzo and Altara Avenue to the South, and LeJeune Road to the west. (The area does not include the Village of Merrick Park.) This occurred as a result of an application for a text amendment to the Zoning Code. In reviewing this application, staff determined that the applicant’s proposed text does not provide a comprehensive approach to the future development of the industrial area. Staff developed language that would accommodate the Charrette Design Recommendations, Mediterranean Ordinance Committee Recommendations, the objectives of the Comprehensive Land use Plan and other policy direction received by Planning Staff. Planning Staff has also conducted research on mixed use provisions approved in the City of West Palm Beach (City Place, the Town of Jupiter (ABACOA Mixed Use Development), the City of Boca Raton (Mizner Park) and in Orange County (Celebration).

Mr. Riel indicated that one of the main goals that arose during the development of the Charrette Design Recommendations and the Mediterranean Ordinance Committee was proving “public realm’ improvements. That is also the focus of the MXD3 regulations. He believed that Planning Staff has done an adequate job of promote those uses that would benefit the public and the adjoining property owners. The MXD3 provisions proposed by Planning Staff propose the following conditions:

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1. An increase in FAR from 3.0 to 3.5;
2. Building size will be regulated by height, rather than by floors;
3. Increase residential density from 40 units/acre to 125 units/acre;
4. Includes provisions for Shared Parking to reduce the number of parking spaces and the mass of the buildings;
5. Permits encroachments into right-of-ways for arcades and other development of public spaces; and
6. Reduces setback in exchange for the development of public spaces.

Mr. Riel explained that the following conditions, which are currently in the Zoning Code, would not be included in the amendment:

1. Reduced percentage of required retail uses;
2. No minimum lot or street frontage;
3. Reduced minimum site area;
4. No minimum or maximum number of buildings per site;
5. No minimum or maximum street frontage;
6. No minimum landscape open space requirements;
7. No limitation on the transfer of density within the property; and
8. No required assignment of parking for mixed uses.

Mr. Riel discussed the proposed “public realm” improvements and stated that one of the proposed conditions includes mandatory Mediterranean architectural style; however, Planning Staff is open for discussion on this matter. Additionally, property owners will be obligated to use ground floor for specific ground floor retail uses that serve the surrounding area. There are approximately 40 or 50 uses in the proposed MXD3 provisions that do not include office uses as a permitted ground floor use under the MXD3, but, uses which put ‘eyes on the street’ and are inviting to the pedestrian. Mr. Riel stated that the purpose of this requirement was to encourage personal services that will be utilized by residents in the area. Other requirements for “public realm” improvements include providing specific design elements and pedestrian amenities within the public and private spaces, such as street lighting, reliefs and pedestrian pass-throughs. As well, there would be specific landscaping requirements, limitations on outdoor storage and valet parking. If residences will be adjoining restaurants, City should ensure that it is comfortable for the residents; therefore, under-grounding of all utility lines shall be required.

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Felix Pardo asked whether the under-grounding of utility lines could be accomplished under a special taxing district. Mr. Riel responded that that was one of the options considered by Planning Staff. However, Planning Staff is also considering a policy requiring the property owner requesting site plan approval to complete the improvements adjoining the property and, if they wish to do the work across the street as well could pay into a fund for those improvements. He also discussed various other solutions with the City Attorney.

Whereupon, Mr. Riel showed the Board several 3-D models of various build-out scenarios with adjustments to building height, setbacks, stepbacks and encroachments as it relates to Staff's proposed zoning language. There was general discussion between the Board members and Mr. Riel with regards to the building mass, step backs, encroachments and other development criteria.

Felix Pardo stated that he believed that the project, in general, is a great development for the area, and that his concern are the single family residences located north of Bird Road and the encroachment of parking into that area when the area is fully developed. He suggested that the Board look at a way of addressing the issue.

*{Felix Pardo excused at 7:32pm}*

Continuing his presentation, Mr. Riel stated some of the benefits to private property owners and to the public. Benefits to private property owners include the ability to use the property for residential uses, significant increase in residential density, lower percentage of ground floor retail uses and an allowance of 0' setbacks. Benefits to the public include "public realm" improvements, implementation of the recommendations outlined by the Charrette and by the Mediterranean Ordinance Committee. Additional benefits include providing a public hearing process for the proposed MXD and also provide future consideration of the Southern Industrial district.

Mr. Riel stated that there are different issues that apply to the Southern Industrial District, however, that was not possible given the time constraints. Additionally, a considerable amount of time would be needed to contact the property owners in the area.

Michael Steffens asked whether the text amendment deals with both industrial areas and whether the Zoning Code text amendments deal only with one industrial area. Mr. Riel responded that the text amendment dealing with the Southern Industrial District serves only for clarification purposes; no rights are taken away. Planning Staff met with the Department of Community Affairs to discuss Planning Staff's recommendations. The Department of Community Affairs was quite receptive to Planning Staff's recommendations, but strongly suggested establishing thresholds within the CLUP text amendments, specifically FAR, density and height.

Mr. Riel outlined the various levels of review and approval that would be necessary if the Zoning Code text amendment is to be approved, including review and/or approval by the City Commission, Department of Community Affairs, the South Florida Regional Planning Counsel and

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the Board. Mr. Riel indicated that he has made a commitment to the property owner to work diligently to get the regulations before the Board and to try to receive as much of the Board's input as possible. Mr. Riel stated that Planning Staff wishes to encourage high-density residential use and provide public-level improvements referenced as the "public realm". He continued that the proposed amendments would encourage an alternative to using automobile transportation with the implementation of the Coral Gables Trolley and would serve as a testing ground for the implementation of the Charrette and the Mediterranean Ordinance Committee Recommendations City wide.

In conclusion, Mr. Riel stated that Planning Staff recommends approval to amend the text amendment of the Comprehensive Land Use Plan and Planning Staff's draft of the text amendments to the Zoning Code and invited the Board to raise any issues or areas of concern.

Whereupon, Cristina Moreno inquired as to why Planning Staff is proposing for a reduction in parking. Mr. Riel responded that the ULI Shared Parking Standards have been discussed by the Mediterranean Ordinance Committee. The ULI Shared Parking Standards have been around since 1983 and have been tested and still hold true. He explained that Planning Staff's goal is to reduce the parking mass. Cristina Moreno indicated that her concern was that if there is a provision which gives a parking reduction that it would become an automatic if it is mixed use project. Tom Korge suggested that if shared parking is going to be a condition, then the regulation should be so stipulate instead of making it discretionary each time. Cristina Moreno stated that she was in favor of making developers aware of all conditions and that if the Staff's position is to reduce the floor on parking if developers reduce the floor on height, then that should be stipulated.

Ms. Moreno indicated that 90% of the public's objections to development proposals relate to either traffic or parking and she does not believe that the City should establish the right to automatically reduce parking. She explained that she would like to [parking] sharing available to alleviate the parking problems in Coral Gables, as opposed to stating that shared parking means that you can have less parking spaces. Tom Korge asked whether Ms. Moreno was suggesting that developers should have surplus spaces because of the mixed use development and that developers should alleviate parking problems in other areas. Ms. Moreno replied that excess parking should be among the "public realm" improvements that the Board should consider, that a parking reduction should not be granted but requiring that the parking be made at the normal and providing the excess as "public realm" parking.

Tom Korge stated that, in his opinion, the Board should look at how much parking is needed for the type of facility and, if shared parking works (i.e. commercial use during the day), then shared parking should be implemented. However, he has no way of determining what the correct mix should be. Mr. Korge agreed with Ms. Moreno in that the Board should not allow for a parking reduction, but stated that the parking strategies should be specific to the building uses. Michael Steffens suggested changing the number of parking spaces required for basic use since that number may not be sufficient, and then allowing for a [parking] reduction if it is mixed use.

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There was general discussion between Mr. Riel and the Board Members regarding the number of required parking as it relates to certain uses, shared parking, the blended rate, limiting the square feet of restaurants, and, given the scope of the proposal, the role of the Parking Board.

Tom Korge indicated that he did not understand the criteria of the public improvement trust. Mr. Riel stated that this issue was incorporated at the last minute and indicated that it needs to be developed further since the City Attorney has not had an opportunity to review it.

Bill Mayville stated that he believed that the Commission may be somewhat resistant to the amendments because it does not include the Southern Industrial District. Mr. Riel responded that there are different issues that apply only to the Southern Industrial District and that, because of the time constraints involved in contacting affected property owners, only the Northern Industrial District can be addressed at this time. Mr. Riel stated that, if the Board so favors, Planning Staff is willing to address the issues relevant to the Southern Industrial District. Ms. Moreno asked whether Planning Staff intended to incorporate a mixed use district in the Southern Industrial District. Whereupon, Mr. Riel responded that it is Planning Staff's intent to eventually include the Southern Industrial District as a mixed uses district. Manny Kadre asked about the benefit of dealing with the Northern & Southern Industrial Districts independently. Ms. Moreno stated that there are developers united on the building of the Northern Industrial District and therefore time is of the essence.

Ms. Moreno asked why Planning Staff is requiring that the area be developed in a Mediterranean architecture. Michael Steffens also questioned the requirement for Mediterranean citing that if the City was flexible, it would encourage more interesting designs. Mr. Riel responded that, in his professional opinion, he believed that the Mediterranean standard has been set by the Village of Merrick Park.

Bill Mayville asked whether there will be any public notification to inform adjoining property owners of the proposed Zoning Code text amendments. Mr. Riel responded that he would have liked to have done that with the text amendment, however it was advertised in the papers as required by Florida Statute, but did not have the opportunity to hear from property owners. Mr. Mayville indicated there is an active group of home-owners on Riviera Drive and thought that at least one hearing should be provided for them to voice their opinions on the proposed amendments. Ms. Moreno explained that they will have an opportunity to approve the projects; the Board is only creating a vehicle to permit the project to be presented by recommending approval of the proposed CLUP Amendments.

Ms. Moreno suggested that Planning Staff simplify their requests to the Board, including impact to the surrounding community, so that any interested neighbor could have a basis for commentary.

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Whereupon, Lucia A. Dougherty of the law firm Greenberg Traurig P.A., located at 1221 Brickell Avenue, Miami Florida, representing the applicant, addressed the Board. She introduced her client, owner and applicant, as Oscar Roger and Ron Paul. She stated that her client, Oscar Roger, approached the City with his intent to develop an office building on his property similar to *The Collection*. The City responded that a requirement of the Comprehensive Land Use Plan is to establish a mixed use ordinance in the district by 2000. She commended Planning Staff with working with her client and addressing many of the complex issues proposed by the amendments. Her client also has the concurrence of the adjoining property owners: she introduced Ms. Morero-Rousse, Pepi Rodriguez, John Fullerton, Camilo Lopez, and Kelly Young, the largest property owners in the area.

Ms. Dougherty explained that the step before the Board is the first in twelve steps necessary for the implementation of the mixed use district and requested that the Board pass on to the City Commission so that they, in turn, could pass it on to the State to further the creation of a mixed use district. She stated that her client's application for a Mixed Used District had an FAR of 4.375 and height limitations (habitable) of 124'. Her client agreed with Planning Staff to lower the FAR to 3.5 and height limitations (habitable) of 100' and urged the Board to approve the text amendments to the Comprehensive Land Use Plan (referred to as Item #D) supporting the MXD3 zoning provisions.

She continued that the City's Ordinance requires that the applicant complete all of the "public realm" improvements, to which the applicant has agreed. The City, however, is requiring under-ground utilities and stated the City itself refused to under-ground their own utilities in their garages because it would be too expensive. For the applicant to underground the utilities would be overly burdensome and increase the price of the units beyond marketability. She proposed to give a bonus of .25 if developers are required to construct under-ground utilities.

Ms. Dougherty showed the Board a diagram showing the cost of public improvements, including under-ground utilities, as \$921,000. Tom Korge asked how much of the \$921,000 is directly related to under-ground utilities, how many units and how much of the project would be retail use. Ms. Dougherty responded that it would likely range from \$250,000 – \$300,000 with 153 units with 30,000SF of retail use.

Ms. Dougherty indicated that she agreed with the Board on the issue of shared parking. She believes that the owners of the apartments will want to keep their parking spaces exclusive and believes that, with respect to sharing the commercial parking, it should be a blended rate. Ms. Moreno stated that she believed that the Mixed Use Ordinance prohibits assigning exclusive residential parking spaces. Ms. Dougherty indicated that she believed that Planning Staff would remove that provision.

Ms. Dougherty asked the Board to pass the text amendments to the Comprehensive Land Use Plan that create the mixed use overlay district, which includes generic language that allows for 125

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residential units/acre and maximum FAR or 3.5. Ms Moreno asked Elizabeth Hernandez if the Board approved the text amendments to the Comprehensive Land Use Plan, whether that will impact this particular area. Elizabeth Hernandez responded that the neighbors will have an opportunity to comment since there is no application as to the specific property. Mr. Riel clarified that the applicant is only asking for approval of Item D, and not Items A, B, C & D. Ms. Moreno asked whether there was a reason not to approve Items A, B, C & D. Mr. Riel responded that Planning Staff's recommendation is approval for Items A, B, C & D.

Ms. Dougherty stated that she would prefer that the Board not to approve B because it takes away the right to have a commercial use with a 3.5 FAR and 2 additional floors for architectural. Michael Steffens stated that a property owner cannot take advantage of a 3.5 FAR unless they have 20,000SF. Ms. Dougherty stated that every other area in the City receives the benefit of 3.5 FAR and 2 additional floors for architectural and it does not seem fair to treat property owners in this area differently from property owners elsewhere, but if the Board had the choice of approving Items A – D or none at all, then she would prefer that the Board approved Items A – D.

Ms. Moreno asked Elizabeth Hernandez whether there were any issues with approving Items A – D together. Ms. Hernandez responded that there are no problems with approving Items A – D. Mr. Riel re-iterated that Planning Staff recommends approval of Items A – D.

There was general discussion among the Board, Elizabeth Hernandez, Mr. Riel and Ms. Dougherty on the requirement of the construction of under-ground utilities. Mr. Riel stated that Planning Staff believed that, in terms of the residential density bonuses and other incentives, an FAR of 3.5 would be adequate to cover the costs of under-ground utilities. Ms. Dougherty stated that, given the cost of the land and construction, the unit prices would have to be raised to approximately \$400,000 if the applicant was required to construct under-ground utilities.

Whereupon, Cristina Moreno opened the discussion to public commentary. Camille Lopez, whose business address for the past 40 years has been located at 4110 Laguna Street, Coral Gables, addressed the Board. Mr. Lopez stated that a few months ago, he attended a public hearing and at that hearing Mr. Mayville recommended that the property owners get together and devise a cohesive plan for the area that would compliment the Village of Merrick Park. He spoke to Dennis Smith who encouraged the property owners to talk to John Fullerton, in attendance. He stated that the main reason they wish to move forward without the Southern Industrial District is because the businesses in the Northern Industrial District are more directly affected by the Village of Merrick Park, which has set a standard in the area. He heard Planning Staff's recommendation and does not believe it is consistent with the property owner's requirements. Property owners do not want to lose the bonuses for the Mediterranean style and believes that if the Board does not act quickly, development will occur that is not cohesive to the Village of Merrick Park and may not benefit the goals of the City.

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Mr. Riel stated, for clarification purposes, that the amendments to the Comprehensive Land Use Plan were initiated by Planning Staff. Ms. Moreno asked Mr. Lopez about his specific objections to Planning Staff's proposal.

Whereupon, Manny Kadre asked Ms. Lucia Dougherty if she would be satisfied if the Board moved to approve Items A – D. Ms. Dougherty responded in the affirmative; whereupon Manny Kadre motioned for approval. Ms. Moreno asked whether any other interested parties wished to address the Board.

Malcolm Weisar who resides at 7210 Old Cutler Road, Coral Gables, addressed the Board and stated that his family and he own property in the Southern Industrial District. He stated that he would like to see this type of project implemented in the Southern Industrial District but understands why it cannot be implemented at this time. The improvements of the “public realm” would be great for property owners and pedestrian and appears to be a plausible solution for the area, and urged the Board to move ahead with the proposed text amendments.

Whereupon, John Fullerton, located at 366 Altara Avenue, Coral Gables, addressed the Board. He stated that he owns a 4,500SF building and, like other property owners, was concerned about the traffic impact when the Village of Merrick Park was developed, but that problem has not materialized. He stated that he is excited about the potential of the area and urged the Board to approve the proposals.

Whereupon Ron Paul, whose address is 550 Biltmore Drive, Coral Gables, and is working with Oscar Roger on this project. Mr. Paul indicated that the Southern Industrial District should be treated separately because it has special dynamics.

An architect at 3135 Laguna Street, Coral Gables, stated that he was very excited about the proposed changes and did not feel that the reduction of parking created a negative impact.

Whereupon, Ms. Moreno asked whether there was anyone in the public who wished to address the Board. There being none, Ms. Moreno closed the public commentary portion and invited the Board to discuss the proposals.

Manny Kadre moved to approve Items A, B, C, & D, which motion was seconded by Michael Steffens.

Bill Mayville indicated that, although he does not disagree with approving Items A, B, C & D, he would be more comfortable having a public input within a few weeks. Manny Kadre indicated that, given the testimony presented and the issues presented to the Board, it appears that the area desperately needs these improvements. Mr. Kadre also indicated that the issues need to be developed further, but that should not preclude the Board from acting on the great initiative. Tom Korge concurred.

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With regards to Item D, Michael Steffens inquired as to the language which reflects “height up to a maximum of 125”. Mr. Steffens asked whether that involves 100’ of occupy-able space and 25’ of architectural detail. Mr. Riel concurred and agreed to clarify that provisions. Whereupon, Cristina Moreno stated that the Board is acting inclusive of the suggestions regarding height. Manny Kadre re-iterated his motion to approve, which motion was seconded by Bill Mayville.

Roll Call: Michael Steffens, Manny Kadre, Tom Korge, Bill Mayville, Cristina Moreno,

Elizabeth Hernandez indicated that the Local Planning Agency is closed and the Planning & Zoning Meeting is open.

*{Elizabeth Hernandez announces the closing of the Local Planning Agency is closed and the opening of the Planning and Zoning Meeting.}*

#### **DEFERMENT OF ZONING CODE AMENDMENT –MIXED USE DISTRICT NUMBER 3**

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Whereupon, Cristina Moreno stated that the Board is going to defer their decision on Item #7, Zoning Code Amendment – Mixed Use District Number 3, to permit Mr. Riel and Planning Staff to work out their differences. Ms. Moreno indicated that the next time the issue is brought to the Board, she would like to see a clear statement of where the applicant disagrees with the Planning Director. Ms. Moreno also agreed that notices will be sent to the neighbors for their input, as suggested by Bill Mayville. Ms. Hernandez stated that for courtesy notices, the Commission has implemented a 1,000’ radius.

Cristina Moreno made a motion to defer consideration on Item #7, which motion was seconded by Manny Kadre.

Roll Call: Manny Kadre, Tom Korge, Bill Mayville, Cristina Moreno, Michael Steffens

#### **V. PLANNING DIRECTOR ITEM: DISAPPROVAL OF ALLOWING TEMPORARY BANNERS**

Mr. Riel reminded the Board that this item was deferred by the Board at the July 9, 2003 meeting and indicated the City Commission at the June 3<sup>rd</sup> and 30<sup>th</sup> meetings requested that the Planning and Zoning Board review the issue of allowing banners for temporary uses such as grand openings, special events, etc. Mr. Riel explained that Planning Staff completed research regarding allowing temporary banners and does not recommend temporary banners be permitted within the City of Coral Gables (a copy of the PowerPoint presentation is attached hereto as Attachment “C”). Whereupon, Manny Kadre made a motion to disallow temporary banners, which motion was seconded by Bill Mayville, and approved as follows:

Roll Call: Tom Korge, Bill Mayville, Cristina Moreno, Michael Steffens, Manny Kadre

**VI. PLANNING DIRECTOR ITEM: APPROVAL FOR BOARD TO SERVE AS FORUM FOR PUBLIC COMMENTARY WITH REGARDS TO ZONING CODE AND COMPREHENSIVE LAND USE PLAN REWRITE WORK PROGRAM**

Mr. Riel stated that the Charrette made a number of recommendations. He further explained that in order to implement those recommendations, as directed by the City Commission, both the Zoning Code and the Comprehensive Land Use Plan will need to be rewritten. As Planning Staff has met with the Department of Community Affairs, it was determined that the Planning Staff shall complete an Evaluation and Appraisal Report (EAR) by 2006. Planning Staff has set up a team comprised of a group of City staff that will include the Planning Department, Building & Zoning Department, the Historic Preservation and the City Manager's Office that will draft regulations of the Zoning Code. The EAR and subsequent rewrite of the CLUP will stay within the Planning Department. The goal is to make the CLUP simpler, reduce the thresholds and to give the Planning Department more control in order to lessen the need to go to the State to address changes to the CLUP.

Mr. Riel proposed that the Planning and Zoning Board serve as a sounding forum for the public and hold at least one additional meeting per month to address regulations with regards to the Zoning Code. Planning Staff intends to set up an Internet site and adopt other tools of information to inform the public. Planning Staff will address issues such as the Mediterranean Ordinance, residential districts, commercial districts, special areas such as PADS, and other mixed use districts. Whereupon, Manny Kadre made a motion to recommend such proposal, which motion was seconded by Bill Mayville and approved as follows:

Roll Call:                   Cristina Moreno, Michael Steffens, Manny Kadre, Tom Korge and Bill Mayville

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There being no further issue or comment to come before the Board, the meeting was adjourned at 9:39pm.

The City of Coral Gables  
Planning and Zoning Board

Reviewed as to form and sufficiency

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Walter Carlson  
Assistant Planning Director

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Eric Riel, Jr.,  
Planning Director &  
Secretary to the Planning and Zoning Board

Attachments:

- A. Ponce-Riviera Village PowerPoint Presentation
- B. Mixed-Use Overlay PowerPoint Presentation
- C. Temporary Banners PowerPoint Presentation

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