

## **City of Coral Gables**

### **Planning Department Staff Report**

**To:** Honorable Local Planning Agency (LPA) / Planning and Zoning Board Members

**From:** Planning Department

**Date:** August 13, 2008

**Subject:** **Application No. 02-07-455-P. Change of Land Use, Rezoning and Site Plan and Review.** Review of one development proposal which includes three (3) separate applications for the proposed commercial project referred to as the "2600 LeJeune Office Building", located on Lots 25-32, Block 6, Biltmore Section (2524 LeJeune Road), Coral Gables, Florida, requesting the following:

Local Planning Agency (LPA) review for:

1. Change of Land Use from "Commercial Use, Low-Rise Intensity" to "Commercial Use, High-Rise Intensity" as prerequisite for site plan review for the proposed commercial project.

Planning and Zoning Board review for:

2. Change of Zoning from "MFSA", Multi Family Special Area to "C", Commercial to correct the existing inconsistent multi-family residential zoning designation to be in compliance with the property's commercial land use designation.
3. Site Plan Review for a proposed ten (10) story commercial office building referred to as the "2600 LeJeune Office Building".

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#### **Recommendation**

Three (3) separate applications have been made for the proposed commercial project referred to as the "2600 LeJeune Office Building", located on Lots 25-32, Block 6, Biltmore Section (2524 LeJeune Road), Coral Gables, Florida.

The Planning Department based upon the findings of fact contained herein recommends denial of the following two (2) of the three (3) applications:

1. Change of Land Use from "Commercial Use, Low-Rise Intensity" to "Commercial Use, High-Rise Intensity" as prerequisite for site plan review for the proposed commercial project.
2. Site Plan Review for a proposed ten (10) story commercial office building referred to as the "2600 LeJeune Office Building".

The Planning Department based upon the findings of fact contained herein recommends approval of the following application:

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3. Change of Zoning from "MFSA", Multi Family Special Area to "C", Commercial to correct the existing inconsistent multi-family residential zoning designation to be in compliance with the property's commercial land use designation.

*Basis of Denial*

Staff's analysis indicates that the application as proposed would meet or further some of the City's objectives, and results in the correction of an existing inconsistent zoning designation to be compatible with the property's current commercial land use designation. However, Staff's analysis identifies inconsistencies, incompatibilities and insufficiencies which prompt Staff to not support the applications. Staff's denial of the proposed change of land use and site plan is based upon established professional planning practices and principals, and the application's inconsistencies and inability to satisfy specific Goals, Objectives and Policies in the City's Comprehensive Land Use Plan (CLUP) as identified in this report, and the purpose and intent of the Zoning Code. Recommended revisions to the proposal are identified and include submittal of additional plans and information, reduction in project height and massing, additional public realm and streetscape improvements, required traffic improvements and impact on surrounding historical structures and their setting, as further articulated in the following findings of fact:

1. *Incompatible land use with existing residential properties.* A primary and fundamental planning principle is to transition between uses so that the intensity of uses is gradually and effectively reduced as development approaches less intense uses, such as residential neighborhoods. The project's scale and massing does not allow for an effective transition between the proposed high-rise commercial project and existing low density multi-family residential uses. The Planning Department does not support the proposed change of land use from "Commercial Use, Low-rise Intensity" to "Commercial Use, High-Rise Intensity" as this is not consistent with professional planning practices of requiring a transitional land use between inconsistent uses. The properties located across Valencia Avenue have "Residential Use (Multi Family) Low Density" land use and "MFSA", Multi Family Special Area zoning designations, and are limited to a maximum height of 35'-0" as they are adjacent to "SFR", Single Family Residential and "MF1", Multi Family District 1 Duplex zoning districts. It is recommended that the subject property be developed within the maximum 77'-0" height permitted for low-rise commercial project with architectural design bonuses.
2. *Establishes precedent.* The objective of the adopted "MFSA", Multi Family Special Area zoning provisions was to lower the overall height of development in the moratoria area and provide transitional massing between adjoining land uses. The project's proposed 117'-0" height exceeds the maximum 60'-0" height permitted for all other "MFSA", Multi Family Special Area zoned properties along this block on the north side of Valencia Avenue (located adjacent to multi-family low-density land use), and does not provide a transition between the proposed project and existing residential properties as intended by the "MFSA" zoning provisions. This would be the only commercially zoned property in the defined "MFSA" zoning district, and the only commercially designated property facing onto Valencia Avenue. Development bonuses can not be awarded for "MFSA" zoned properties, but can be awarded for commercially zoned properties. Therefore this project would not be required to comply with the development performance standards that apply to all other properties within the district.

3. *Inconsistent with City Hall setting.* The area west of LeJeune Road between Coral Way and Valencia Avenue which includes the City Hall, Merrick Park and the First Church of Christian Scientist consists of low-rise historically significant and designated structures and open space district that have served and characterized as the symbolic center of the City's municipal activities and functions. The subject property is designated for low-rise development, which is consistent with this development pattern. High-rise development is designated for, and has occurred west of this area along Biltmore Way. The construction of a high-rise commercial building at the proposed location would adversely impact the scale and character of the City Hall setting and surrounding historical structures.
4. *Required traffic improvements.* The Public Works Department has reviewed the Traffic Study submitted by the applicant, which shows an additional 71 vehicles per hour during the p.m. peak on Hernando Street. Public Works has identified the intersection of Hernando Street and Biltmore Way as currently being congested and restricted by existing parallel parking and narrow traffic lanes, and stated any additional traffic will have a negative impact on that intersection. Public Works recommended a detailed analysis of the intersection and implementation of any necessary improvements that are identified.
5. *Insufficient streetscape improvements.* The application offers no specific or detailed public realm improvements beyond the immediate abutting perimeter of the project site to mitigate the project's impact on surrounding residential neighborhoods. Based upon the inconsistent CLUP objectives identified regarding the protection of residential neighborhoods and buffering of potentially disruptive uses, it is Staff's opinion that this application does not provide sufficient streetscape improvements in accordance with the City's Master Streetscape Plan. The Public Service Department has reviewed the plans and recommended that landscaping and streetscape improvements be provided along both sides of the public right-of-way along Valencia Avenue and at the intersection of LeJeune Road and Valencia Avenue.
6. *Historic Preservation.* The First Church of Christian Scientist located adjacent to the project to the north is not designated as a local historic landmark and, therefore, the proposed project is not technically subject to design review by the Historic Resources Department. However, the Historic Preservation Board and Historic Resources Department have identified the church as significant and eligible for historic designation and requested that the development of the subject property be sympathetic to the church structure in terms of height, massing and setbacks. The application requests a 0' rear setback as a development bonus along the north property line abutting the church property where a minimum 10' -0" rear setback is required by Code. While church officials have been consulted by the applicant, the Historic Resources Department has not had the opportunity to review and comment on the proposed plans beyond those presented to the Development Review Committee (DRC).

#### *Alternative Recommendation*

If the LPA/Planning and Zoning Board and the City Commission determines on the basis of the facts of the application, testimony, and evidence received that the proposed change of land use and site plan review applications are consistent and satisfies the criteria of the CLUP and Zoning Code, and recommends approval of the applicant's development proposal, then Planning Staff recommends the following conditions of approval be included:

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1. Application/supporting documentation. Construction of the project shall be in conformance with the following:
  - a. Site plan, landscape plan, building elevations and building program contained in application package prepared by Behar Font & Partners, dated 08.05.08.
  - b. Traffic Study prepared by Richard Garcia & Associates, Inc., dated 02.09.07.
  - c. Improvements and/or conditions contained herein, unless otherwise specified herein, shall be completed prior to receipt of final Certificate of Occupancy (CO).
  - d. All representations and exhibits as prepared and provided to the Planning Department as a part of the application submittal package dated 08.06.08.
  - e. All representations proffered by the applicant's representatives provided during public hearing review.
  - f. Changes to the plans required by the City Commission as part of the review of this application at public hearings.
2. General.
  - a. Restrictive Covenant. Within 30 days of approval and adoption of the ordinances, the property owner, its successors or assigns shall secure City Attorney review and approval of a Restrictive Covenant outlining all conditions of approval required by the City Commission. Failure to submit the draft Restrictive Covenant within the specified time frame shall render all approvals void.
3. Prior to the issuance of a building permit, or as otherwise specified in the Restrictive Covenant, the property owner, its successors or assigns, shall adhere or agree to the following conditions:
  - a. City's Streetscape Master Plan. Provide landscaping and streetscape improvements to include the north side of the public right-of-way along Valencia Avenue between LeJeune Road and Hernando Street. All landscaping proposed within public right-of-way shall be consistent with the City's "MFSA" streetscape standards and Streetscape Master Plan, subject to review and approval by the Directors of the Public Works and Public Service Departments.
  - b. Building signage. No building signage shall be permitted above the second floor on any building elevation that faces onto "MFSA", Multi Family Special Area zoned property.
  - c. Sale or leasing of parking spaces. The sale or leasing of parking spaces to any person, business or entity that is not a tenant or resident of this project shall be prohibited. The existing agreement for eighteen (18) spaces within the building for exclusive use by the First church of Christian Scientist shall be excluded from this restriction.
4. Prior to the issuance of the final Certificate of Occupancy (CO), the owner, its successors or assigns shall complete the following:
  - a. Traffic improvements. Applicant agrees to following as recommended by the Director of Public Works Department:
    - 1) Prepare and provide a traffic intersection analysis for the Biltmore Way and Hernando Street intersection and implement necessary improvements identified by that analysis, subject to review and approval by the Director of the Public Works Department.

The applicant has submitted an application package that includes a Statement of Use, proposed land use and zoning maps, site plan, building program, landscape plan, building elevations and other miscellaneous support documents, which are provided in Attachment A.

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### **Request**

The proposed change of zoning designation and site plan requires review and recommendation by the Planning and Zoning Board and consideration and adoption in ordinance form by the City Commission (two public hearings). The site plan review requires consideration and adoption in resolution form by the City Commission (one public hearing).

The proposed change of zoning would correct the property's existing inconsistent residential multi-family zoning designation to be compatible with its commercial land use designation. The proposed change in commercial land use designation from "Commercial Use, Low-Rise Intensity" to "Commercial Use, High-Rise Intensity" is requested to allow the proposed development of the property with a ten (10) story / 117' high commercial office building.

Changes in land use require review and recommendation by the Local Planning Agency (Planning and Zoning Board) and consideration and adoption in ordinance form by the City Commission (two public hearings). This proposal is considered a "small scale" amendment according to the thresholds established by the Department of Community Affairs (DCA). Therefore, no state required impact analysis is necessary and DCA review between the Commission's 1<sup>st</sup> and 2<sup>nd</sup> readings is not required.

### **Facts – Background and Proposed Project**

<b>Application</b>	<b>Request</b>
Change of land use	Yes – from "Commercial Use, Low-Rise Intensity" to "Commercial Use, High-Rise Intensity"
Comprehensive Plan text amendment	No
Change of zoning	Yes – from "MFSA", Multi Family Special Area to "C", Commercial
Zoning Code text amendment	No
Site plan review	Yes
Mixed use site plan review	No
Planned Area Development	No
Subdivision Review or Tentative Plat	No
Conditional uses	No

### **City Reviews:**

<b>City Reviews/Timeline</b>	<b>Date Scheduled/ Reviewed/Approved*</b>
Development Review Committee	02.23.07 and 06.22.07
Board of Architects (preliminary approval and Mediterranean architectural bonuses)	05.22.08 and 06.05.08
Board of Adjustment	N/A
Historic Preservation Board	05.24.07
Local Planning Agency	08.13.08
Planning and Zoning Board	08.13.08
Street and Alley Vacation Committee	N/A
Public rights-of-way encroachment	N/A
City Commission, 1 <sup>st</sup> reading	TBD
City Commission, 2 <sup>nd</sup> reading	TBD

\*All scheduled dates and times are subject to change without notice.

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*Existing Property Designations:*

<b>Applicable Designations</b>	
CLUP Map Designation	"Commercial Use, Low-Rise Intensity"
Zoning Map Designation	"MFSA", Multi Family Special Area
Within Central Business District	No
Mixed Use District ("C", Commercial only)	No
Mediterranean Architectural District (citywide)	Yes
Within Coral Gables Redevelopment Infill District (GRID) (Traffic Concurrency Exemption Zone)	No

*Surrounding Uses:*

<b>Location</b>	<b>Existing Land Uses</b>	<b>CLUP Designations</b>	<b>Zoning Designations</b>
North	First Church of Christian Scientist	"Commercial Use, Low-Rise Intensity"	"CL", Commercial Limited
South	2-4 story apartment buildings	"Residential Use (Multi-Family) Low Density"	"MFSA", Multi Family Special Area
East	1 story Publix Super-market and parking lot and 13 story commercial building	"Commercial Use, High-Rise Intensity"	"C", Commercial
West	Surface parking lot and 13 story condo building	"Residential Use (Multi-Family) Medium Density"	"MFSA", Multi Family Special Area

*Site Plan Analysis:*

<b>Type</b>	<b>Date Completed</b>
Concurrency Impact Statement (CIS)	09.17.07
Preliminary Zoning Analysis	08.27.07
Traffic study review (Public Works comments received)	10.03.07

*Site Plan Information:*

<b>Type</b>	<b>Permitted</b>	<b>Proposed</b>
Total site area	27,922 sq. ft. (0.6 acres)	27,922 sq. ft. (0.6 acres)
Floor area ratio (FAR)	3.5 FAR*	3.4 FAR
FAR x total site area =	97,727 sq. ft.	---
Total square footage of buildings	---	95,513 sq. ft.
Building height	16 floors*/ 190'-6"	10 floors/117'-0"
Multi-family residential	---	N/A
Office	---	95,513 sq. ft.
Restaurant	---	N/A
Retail	---	N/A

\* Includes permitted architectural bonus for qualifying Mediterranean style projects.

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**Setbacks:**

Type	Required	Proposed*
- Front (Valencia Avenue)	0' to building cornice line, parking pedestal or 40'-0", then 10'-0 setback	10'-1"
- Side / interior	0' to 45'-0" building height, 15'-0" setback above 45'-0"	0' to 45'-0" building height, 15'-0" setback above 45'-0"
- Side / street (LeJeune Road)	15'-0"	10"-2"
- Rear / not abutting alley	10'-0"	0'

\* Setback relief allowing building up to the property line (0') can be awarded for qualifying Mediterranean style projects.

**Parking:**

Uses	Required	Proposed
Residential	N/A	N/A
Restaurant	N/A	N/A
Retail	N/A	0 spaces
Office	315 spaces	315 spaces
Dedicated to adjacent church	18 spaces	18 spaces
Adjusted required on-site parking	333 spaces	333 spaces
Total provided on site parking	---	333 spaces
On-street parking space(s)	5 spaces	3 spaces
On-street parking net gain/(loss)	---	(2 spaces)

**Landscaping:**

Location	Required	Provided
Landscape open space (on-site)	1,396 sq. ft. (5% of site)	1,678 sq. ft. (6% of site)
Additional landscape open space	---	282 sq. ft. (1% of site)

**Discussion**

**Property's Development History and Existing Uses**

The property is approximately 0.6 acres in size and consists of 27,922 sq. ft. The existing uses on the property include 2 story apartment buildings and surface parking lot. All existing structures on the property are proposed to be demolished to allow the construction of the proposed project. Ordinance No. 867 was adopted by the City on 11.09.54 vacating the alleyway which existed between the subject property and First Church of Christian Scientist to the north.

The proposed change of zoning would correct the property's existing inconsistent "MFSA", Multi Family Special Area zoning designation to be consistent with its commercial land use designation. The proposed change in commercial land use designation from "Commercial Use, Low-Rise Intensity" to "Commercial Use, High-Rise Intensity" is being requested to allow the proposed development of the property with a ten (10) story / 117' high commercial office building.

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Maps showing and comparing both the existing and proposed land use and zoning designations currently being requested by the applicant are provided with the applicant's submittal (see Attachment A).

*Requested Development Bonuses*

The following analysis provides a comparison of the amount of development permitted to be constructed on the property as-of-right and the development bonuses being requested with this application for Mediterranean architectural style. Development bonuses can not be awarded for "MFSA" zoned properties, but can be awarded for commercially zoned property, which is the subject property's proposed zoning designation. The Board of Architects reviewed and granted preliminary approval of this project and development bonuses on 06.05.08. The information provided in the following table is taken from the Preliminary Zoning Analysis prepared by the Building and Zoning Department, which is on file and available for review with the Planning Department.

<b>Bonus</b>	<b>Permitted/required</b>	<b>Granted</b>
FAR (additional sq. ft.)	0.5 FAR (13,961 sq. ft.)	0.4 FAR (11,747 sq. ft.)
Height of building (Commercial Low-Rise to High-Rise)	6 story / 77'-0" (including 2 story / 27'-0" height development bonus)	10 story / 117'-0" proposed (16 story / 190'-6" height permitted with development bonus)
Rear setback: (along north property line)	10'-0"	0'
Side street setback: (along LeJeune Road)	15'-0"	10'-2"

*Staff comments:* The permitted height and massing of the project increases as a result of the change in land use and architectural development bonuses. Architectural design bonuses could not be awarded if this property were developed according to its existing "MFSA" zoning designation. The proposed height and massing of the project is not consistent in character with the adjoining residential, multi-family low density neighborhood and does not provide a transition in intensity between the existing and proposed uses.

*Historic Preservation*

The First Church of Christian Scientist located adjacent to the project to the north is not designated as a local historic landmark. However, the Historic Preservation Board has identified it as a property that should be considered for historic designation. It has been requested by the Historic Resources Department that the development of the subject property be sympathetic to the church structure in terms of height, massing and setbacks. The application requests a 0' rear setback as a development bonus along the north property line abutting the church property and a minimum 10' -0" rear setback is required by Code. While church officials have been consulted by the applicant, the Historic Resources Department has not had the opportunity to review and comment on the proposed plans beyond those presented to the DRC.

The area west of LeJeune Road between Coral Way and Valencia Avenue which includes the City Hall, Merrick Park and the First Church of Christian Scientist consists of low-rise historically significant and designated structures and open spaces that have served and characterized as the symbolic center of the City's municipal activities and functions. The subject property is

designated for low-rise development, which is consistent with this development pattern. High-rise development is designated for, and has occurred west of this area along Biltmore Way. The construction of a high-rise commercial building at the proposed location would adversely impact the scale and character of the City Hall setting and surrounding historical structures.

*Parking Lease Agreement*

The applicant has entered into an agreement with the First Church of Christian Scientist to dedicate 18 parking spaces within the building for exclusive use by the church. The agreement states that church shall have the exclusive right to use, for itself and its permittees, for all 18 of these parking spaces 24 hours each day. A copy of the "Declaration of Covenants, Conditions and Restrictions with Grant of Easement" between Valencia Investors, LLC and the First Church of Christian Scientist dated 09.27.05 is on file and available for review with the Planning Department.

*City Department Review*

This proposal was reviewed by City Staff at Development Review Committee (DRC) meetings on 02.23.07 and 06.22.07. The application was also distributed to the Public Works, Public Service and Historic Resources Departments on 09.20.07 for detailed review and comments. The following comments were received from those Departments which remain unresolved:

1. Public Works Department: The traffic study submitted by the applicant shows the addition of 71 vehicles per hour during the p.m. peak to north bound traffic on Hernando Street. Since the intersection of Hernando Street and Biltmore way is already congested and currently restricted by existing parallel parking and narrow traffic lanes, this additional traffic will have a negative impact on the intersection. Careful analysis of this intersection is required and the necessary improvements that are identified must be implemented.
2. Public Service Department: Require extension of the development of the City's Streetscape Master Plan on the south side of Valencia Avenue at LeJeune Road in order to encompass at least the length of the first property on that side of the street. In lieu of this, in the case where sufficient room is not available for said development, the developer should extend development westward along Valencia Avenue for some logical, aesthetic distance.
3. Historic Resources Department:
  - a. At the 02.23.07 DRC meeting, the Historic Resources Department stated that "height and massing are a concern as they could potentially negatively impact the historical significant church building (next door) to the north."
  - b. At the Historic Preservation Board (HPB) 05.24.07 meeting, the Historic Resources Staff asked that the applicant take the First Church of Christian Scientist complex of buildings (located to the north of subject property) into consideration as they proceed. This complex of buildings, while not designated as a local historic landmark, is significant and eligible for listing in the Coral Gables Register of Historic Places. It is the desire of the HPB and the Historic Resources Staff that this complex of buildings be designated as a local historic landmark. A copy of the 10.01.07 Historic Preservation Officer memo provided as Attachment B.

*Concurrency Management*

This project has been reviewed for compliance with the Building and Zoning Departments

Concurrency program. The Concurrency Impact Statement (CIS) issued by the Building and Zoning Department for the applicant project indicates that there is adequate infrastructure available to support the project. The CIS is on file and available for review with the Planning Department.

## **Findings of Facts**

This section evaluates the application for consistency with the Zoning Code and Comprehensive Land Use Plan (CLUP). This evaluation provides findings of fact and recommendations for compliance with each.

### *Compliance with the Zoning Code*

Zoning Code Section 3-1404 provides the standards for review of applicant-initiated zoning district boundary changes (change of zoning), as follows:

- A. *An applicant-initiated district boundary change shall be approved if it is demonstrated that the application satisfies all of the following:*
  1. *It is consistent with the Comprehensive Land Use Plan in that it:*
    - a. *Does not permit uses which are prohibited in the future land use category of the parcel proposed for development.*
    - b. *Does not allow densities or intensities in excess of the densities and intensities which are permitted by the future land use category of the parcel proposed for development.*
    - c. *Will not cause a decline in the level of service for public infrastructure to a level of service which is less than the minimum requirements of the Comprehensive Land Use Plan.*
    - d. *Does not directly conflict with any objective or policy of the Comprehensive Land Use Plan.*
  2. *Will provide a benefit to the City in that it will achieve two or more of the following objectives:*
    - a. *Improve mobility by reducing vehicle miles traveled for residents within a one-half (1/2) mile radius by;*
      - i. *Balancing land uses in a manner that reduces vehicle miles traveled; or,*
      - ii. *Creating a mix of uses that creates an internal trip capture rate of greater than twenty percent (20%); or*
      - iii. *Increasing the share of trips that use alternative modes of transportation, such as transit rider-ship, walking, or bicycle riding; or,*
    - b. *Promote high-quality development or redevelopment in an area that is experiencing declining or flat property values; or,*
    - c. *Create affordable housing opportunities for people who live or work in the City of Coral Gables; or*
    - d. *Implement specific objectives and policies of the Comprehensive Land Use Plan; and*
  3. *Will not cause a substantial diminution of the market value of adjacent property or materially diminish the suitability of adjacent property for its existing or approved use.*

*Staff comments:* Standards identified in Section 3-1404 for the proposed zoning district boundary changes are satisfied. The proposed change of zoning would correct the existing inconsistent multi-family residential zoning designation to be in compliance with the property's commercial land use designation, and would provide for the redevelopment of an existing underdeveloped non-conforming property. The redevelopment of this property would promote and be consistent with the CLUP objectives and policies identified herein. The planned

development according to the property's existing "Commercial Use, Low-Rise Intensity" land use designation allowing a maximum 77'-0" building height is compatible with the existing and designated uses of the adjacent surrounding properties.

Zoning Code Section 3-1506 provides the standards for Comprehensive Plan text and map amendments, as follows:

A. *Proposed amendments to the Text and Maps of the Comprehensive Land Use Plan shall be reviewed pursuant to the following standards:*

1. *Whether it specifically advances any objective or policy of the Comprehensive Land Use Plan.*
2. *Whether it is internally consistent with Comprehensive Land Use Plan.*
3. *Its effect on the level of service of public infrastructure.*
4. *Its effect on environmental resources.*
5. *Its effect on the availability of housing that is affordable to people who live or work in the City of Coral Gables.*
6. *Any other effect that the City determines is relevant to the City Commission's decision on the application.*

*Staff comments:* All standards identified in Section 3-1506 for the proposed CLUP map amendment are not satisfied. The proposed "Commercial Use, High-Rise Intensity" land use designation is inconsistent with CLUP objectives and policies as identified herein. The development of the subject property as a high-rise commercial project would be incompatible with the existing adjacent residential properties and does not provide for transitional land uses, would establish a precedent for future high-rise development in the area which is in conflict with the intent of the "MFSA" to reduce the height of adjacent uses, reduces available infrastructure and resources by providing insufficient public realm and streetscape improvements, does not provide necessary traffic improvements, and would impact the adjoining church property which is eligible for historic designation and the scale and character of the existing City Hall setting. The planned development according to the property's existing "Commercial Use, Low-Rise Intensity" land use designation allowing a maximum 77'-0" building height is compatible with the existing and designated uses of the adjacent surrounding properties.

#### *Compliance with CLUP Goals, Objectives and Policies*

Planning Department has reviewed the CLUP and finds the following CLUP Goals, Objectives and Policies are applicable and the following table provides determination/findings of fact as to consistency and inconsistency thereof:

*Consistent CLUP Goals & Objectives and Policies are as follows:*

<b>Ref. No.</b>	<b>CLUP Goal, Policy and Objective</b>	<b>Basis for consistency</b>
1.	<i>OBJECTIVE 1-1.2: CONTROL BLIGHT AND PROMOTE REDEVELOPMENT. Efforts shall be made to control blighting influences, and redevelopment shall be encouraged in areas experiencing deterioration. This Objective shall be achieved through the implementation of the following policies.</i>	This redevelopment project will correct an existing inconsistent zoning designation and improve a property which is currently underutilized and in need of renovations.
2.	<i>OBJECTIVE 1-1.3: ACHIEVING COMPLIANCE WITH FUTURE LAND USE MAP AND PLAN. By the year 2010 the City shall endeavor to reduce the number of inconsistencies between the Future Land</i>	The change of zoning would correct the existing inconsistent multi-family residential zoning designation to be consistent with the property's commercial land use designation, and would provide for the

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Ref. No.	CLUP Goal, Policy and Objective	Basis for consistency
	<i>Use Map and the actual land uses from 70 to 35.</i>	redevelopment of an existing underdeveloped non-conforming property.
3.	<b>OBJECTIVE 1-1.7: DISCOURAGE URBAN SPRAWL.</b> Discourage the proliferation of urban sprawl by amending the land development regulations to include a regulatory framework for encouraging future infill and redevelopment within existing developed areas. In drafting the infill/redevelopment program, the City shall coordinate public and private resources necessary to initiate needed improvements and/or redevelopment within these areas	This proposal encourages infill development and redevelopment of an existing undeveloped and inconsistently zoned property.
4.	<b>POLICY 1.1.7.1: DEVELOPMENT OF EMPLOYMENT CENTERS.</b> Encourage effective and proper development of employment centers of high quality which offer potential for local employment in reasonably close proximity to protected residential neighborhoods.	Commercial development of this property will assist in developing this area as an employment center as it will provide for additional employment opportunities for residents of the project and surrounding neighborhood.
5.	<b>POLICY 1-1.7.2: DEVELOPMENT OF UNDEVELOPED LAND.</b> Encourage development of remaining undeveloped and vacant isolated parcels of developable property through identification and staff assistance in providing information as to appropriate uses permitted by Code and proper procedures to be undertaken to obtain the proper development orders.	This proposal encourages infill development and redevelopment of an existing undeveloped and inconsistently zoned property.
6.	<b>POLICY 1-1.9.1: MIXED USE DOWNTOWN DEVELOPMENT.</b> Encourage balanced mixed use developments in the downtown, which promote pedestrian activity and provide for specific commitments to design excellence and long term economic and cultural vitality.	The planned development of this property with a commercial project encourages the provision of streetscape improvements, pedestrian amenities and incorporation of a common Mediterranean architectural theme and features that would otherwise not be provided.
7.	<b>POLICY 1-1.9.2: PRINCIPLES FOR DOWNTOWN PLANNING.</b> Encourage the detailed planning of downtown to establish sound economic, aesthetic and land use principles for effective utilization of both public and private resources.	This proposal provides for the planned redevelopment of an existing underdeveloped inconsistently zoned property that is objective of the City and encourages the provision of streetscape improvements, pedestrian amenities and incorporation of a common Mediterranean architectural theme and features that would otherwise not be provided.
8.	<b>POLICY 2-1.8.1: PROVIDE ROADWAY LANDSCAPING.</b> The City shall provide landscaping along roadways to serve as visual and sound buffers and to maintain the quality of the environment within the City.	The proposed development of this property as a commercial project allows for a conceptual plan for streetscape improvements and landscaping around the immediate perimeter of the project.

Inconsistent CLUP Goals, Objectives and Policies are as follows:

Ref. No.	CLUP Goal, Policy and Objective	Basis for inconsistency	Recommendation for consistency
1.	<b>POLICY 1-1.3.1: AVOID ENCROACHMENT INTO NEIGHBORHOODS BY INCOMPATIBLE USES.</b> Residential neighborhoods should be protected from intrusion by incompatible uses that would disrupt or degrade the health, safety, tranquility, aesthetics and	Building setback relief, additional height and FAR are being requested. Mitigation measures and public realm improvements proposed with this project do not support the award of site development bonuses and resulting in increased project massing and loss of open space.	Provide transition in building height from multi-family low rise designated properties to the south, and provide additional landscaped open space and landscape improvements beyond the project site along the north side of the public right-of-way along Valencia Avenue between LeJeune Road

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Ref. No.	CLUP Goal, Policy and Objective	Basis for inconsistency	Recommendation for consistency
	<i>welfare of the neighborhood by noise, light, glare, odor, vibration, dust, hazardous materials or traffic.</i>		and Hernando Street to ensure surrounding neighborhood is not negatively impacted.
2.	<i>POLICY 1-1.3.2: APPLICATION OF BUFFERING TECHNIQUES. Uses designated in the plan which cause significant noise, light, glare, odor, vibration, dust, hazardous conditions or industrial traffic, shall provide buffering when located adjacent to or across the street from incompatible uses such as residential uses.</i>	Landscape improvements beyond the project site are not provided to ensure surrounding neighborhood is not negatively impacted.	Provide landscaping and streetscape improvements along the north side of the public right-of-way along Valencia Avenue between LeJeune Road and Hernando Street which are consistent with the City's Streetscape Master Plan.
3.	<i>POLICY 1-1.3.3: LIMITATIONS OF POTENTIALLY DISRUPTIVE USES. Normally disruptive uses may be permitted on sites within related districts only where proper design solutions are demonstrated and committed to in advance which will be used to integrate the uses so as to buffer any potentially incompatible elements.</i>	The Public Works Department has identified the intersection of Hernando Street and Biltmore Way as currently being congested and restricted by existing parallel parking and narrow lanes, and stated any additional traffic will have a negative impact on that intersection.	Provide detailed analysis of intersection and necessary traffic improvements as identified and recommended by the analysis, subject to Public Works Department review and approval.
4.	<i>OBJECTIVE 1-1.11: RESIDENTIAL DEVELOPMENT PATTERN. Maintain a pattern of overall low density residential use with limited medium, and high density residential uses in selected areas to preserve the low intensity character of the residential neighborhoods.</i>	Proposed change of land use to "Commercial Use, High-Rise Intensity" is not consistent with professional planning practices of requiring a transitional land use between inconsistent uses. Adjacent properties to south have "Residential Use (Multi Family) Low Density" land use and "MFSA", Multi Family Special Use zoning designations.	Amend proposal by retaining the property's existing "Commercial Use, Low-Rise Intensity" land use designation, and revise plans to comply with height requirements permitted for the existing land use designation (allowing max 77'-0" building height).
5.	<i>POLICY 2-1.4.3: MAINTAINING CONSISTENCY AMONG ELEMENTS. The City shall maintain consistency between the adopted traffic circulation element policies and other adopted policies of the Comprehensive Plan.</i>	Proposed project does not adequately address traffic circulation improvements or provide sufficient landscape and streetscape improvements.	Provide detailed plan identifying and locating proposed landscaping and streetscape improvements along the north side of the public right-of-way along Valencia Avenue between LeJeune Road and Hernando Street and traffic intersection analysis for the Biltmore Way and Hernando Street intersection and implement necessary improvements identified by that analysis.
6.	<i>OBJECTIVE 2-1.7: PROTECT COMMUNITY/NEIGHBORHOOD INTEGRITY. The traffic circulation system will protect community and neighborhood integrity.</i>	The Public Works Department has identified the need to evaluate pedestrian circulation for the intersection of LeJeune Road and Valencia Avenue and implement necessary improvements identified by that study.	Provide detailed plan showing proposed landscape and streetscape improvements along the north side of the public right-of-way along Valencia Avenue between LeJeune Road and Hernando Street and traffic intersection analysis for the Biltmore Way and Hernando Street intersection and implement necessary improvements identified by that analysis.

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Ref. No.	CLUP Goal, Policy and Objective	Basis for inconsistency	Recommendation for consistency
7.	<p><b>POLICY 2-1.7.1: SEPARATE LOCAL AND THROUGH TRAFFIC MOVEMENTS.</b> <i>The City will strive to conserve and protect the character of neighborhoods by preventing the intrusion of through vehicles on local and collector streets.</i></p>	<p>The Public Works Department's review of the submitted traffic study found the addition of 71 vehicles per hour during the p.m. peak to north bound traffic on Hernando Street. Since the intersection of Hernando Street and Biltmore Way is already congested and currently restricted by existing parallel parking and narrow traffic lanes, this additional traffic will have a negative impact on the intersection.</p>	<p>Prepare and provide to the City a traffic intersection analysis for the Biltmore Way and Hernando Street intersection and implement necessary improvements identified by that analysis.</p>
8.	<p><b>POLICY 2-1.7.2: AVOID FRAGMENTING NEIGHBORHOODS.</b> <i>Major thoroughfares and intersections should be located and designed in a manner which would not tend to sever or fragment land which is or could otherwise be developed as well defined neighborhoods.</i></p>	<p>No detailed plan has been submitted identifying and locating proposed intersection improvements including pedestrian crosswalks and signalization, pedestrian safety devices at vehicular entrances and exits to the property and traffic calming improvements.</p>	<p>Provide detailed plan showing proposed landscape and streetscape improvements along the north side of the public right-of-way along Valencia Avenue between LeJeune Road and Hernando Street and traffic intersection analysis for the Biltmore Way and Hernando Street intersection and implement necessary improvements identified by that analysis.</p>
9.	<p><b>POLICY 2-1.7.3: CONTROLLING THROUGH TRAFFIC MOVEMENTS.</b> <i>The City shall discourage through traffic in neighborhoods by use of traffic management techniques, including signage, landscape design and roadway design.</i></p>	<p>The proposal does not provide traffic calming measures or sufficient streetscape improvements to mitigate the impacts of project on the surrounding neighborhood.</p>	<p>Provide additional off-site streetscape improvements including along the north side of the public right-of-way along Valencia Avenue between LeJeune Road and Hernando Street and traffic intersection analysis for the Biltmore Way and Hernando Street intersection and implement necessary improvements identified by that analysis.</p>
10.	<p><b>POLICY 2-1.8.1: PROVIDE ROADWAY LANDSCAPING.</b> <i>The City shall provide landscaping along roadways to serve as visual and sound buffers and to maintain the quality of the environment within the City.</i></p>	<p>Landscape and streetscape improvements beyond the project site are not provided to ensure surrounding neighborhood is not negatively impacted.</p>	<p>Provide landscaping and streetscape improvements along the north side of the public right-of-way along Valencia Avenue between LeJeune Road and Hernando Street.</p>
11.	<p><b>POLICY 3-1.2.6: COMPATIBILITY OF NEW DEVELOPMENT.</b> <i>New development shall be compatible with adjacent established residential areas.</i></p>	<p>Scale, massing, height and setbacks of the proposed building are not consistent with existing multi-family low rise residential neighborhood to the south.</p>	<p>Amend proposal by retaining the property's existing "Commercial Use, Low-Rise Intensity" land use designation, and revise plans to comply with height requirements permitted for the existing land use designation (allowing max 77'-0" building height).</p>
12.	<p><b>OBJECTIVE 6-1.5: LAND USE PLANNING AND REGULATION.</b> <i>Preserve areas of significant environmental and public value through appropriate land use designations and regulation.</i></p>	<p>The proposed "Commercial Use, High-Rise Intensity" land use designation and resulting in increased project massing is inconsistent with the scale and character of the City Hall setting and would negatively impact the adjacent historically significant church structure.</p>	<p>Amend proposal by retaining the property's existing "Commercial Use, Low-Rise Intensity" land use designation, and revise plans to comply with height requirements permitted for the existing land use designation (allowing max 77'-0" building height).</p>

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Ref. No.	CLUP Goal, Policy and Objective	Basis for inconsistency	Recommendation for consistency
13.	<p><b>OBJECTIVE 10-1.1: INCREASE THE NUMBER OF DOCUMENTED HISTORIC RESOURCES.</b> <i>To increase the number of documented historic resources within the City of Coral Gables for the purpose of recognition and planning for their protection and preservation.</i></p>	<p>The Historic Preservation Board has identified the First Church of Christian Scientist complex of buildings as a property that should be considered for historic designation. It was requested by both the Board and Historic Resources Staff that the development of the subject property be sympathetic to the church structure in terms of height, massing and setbacks.</p>	<p>Reduce height and overall massing of proposed project to be consistent with the property's existing "Commercial Use, Low-Rise Intensity" land use designation (allowing max 77'-0" building height).</p>
14.	<p><b>POLICY 10-4.1.2: CITY TO CONSIDER IMPLICATIONS ON HISTORIC RESOURCES OF CITY ACTIONS SPECIFIED HEREIN:</b> <i>The City of Coral Gables, through its commission, each of the boards, and its administration, including, without limitation, the city manager and all agencies, departments, and officials, should, when making any decision, establishing any POLICY, or undertaking, funding or licensing any activity, affirmatively consider and take into account the effect and impact of such decision, POLICY, or undertaking on any building, archaeological site, landscape, place, object, or property which is a historic resource, which historic resources shall include, without limitation, all those buildings, structures, archaeological sites, landscapes, places, objects, and properties now or hereafter (i) designated or eligible for designation by the Historic Preservation Board of the City of Coral Gables, (ii) listed or eligible for listing in the National register of Historic Places by the United States Secretary of the Interior, (iii) included or eligible for inclusion in any City survey of historic properties, including, without limitation, the Central Business District survey and the Plantation District survey, or (iv) included or eligible for inclusion in the Florida Master Site File established by the Bureau of Historic Preservation, Division of Historic Resources, Department of State, State of Florida.</i></p>	<p>The area west of LeJeune Road between Coral Way and Valencia Avenue which includes the City Hall, Merrick Park and the First Church of Christian Scientist consists of low-rise historically significant structures and open spaces that have served and characterized as the symbolic center of the City's municipal activities and functions. The construction of a high-rise commercial building at the proposed location would adversely impact the scale and character of the City Hall setting and surrounding historical structures.</p>	<p>Reduce height and overall massing of proposed project to be consistent with the property's existing "Commercial Use, Low-Rise Intensity" land use designation (allowing max 77'-0" building height).</p>

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**Staff Comments:** Staff's analysis indicates that the application as proposed would meet or further many of the City's objectives, and results in the correction of an existing underdeveloped property with a non-conforming zoning designation. However, Staff review identifies inconsistencies, incompatibilities and insufficiencies including the need for a reduction in project height and massing, additional public realm and ROW improvements, required traffic improvements, and impact on surrounding historical structures and their setting which prompt Staff to not support the applications.

### **Findings of Fact Summary**

In summary, Staff based upon its analysis of the CLUP and applicable codes and information determined the following are findings of fact regarding this application:

1. Proposal is not consistent with specific CLUP Goals, Objectives and Policies as identified herein.
2. Proposed project does not satisfy all Zoning Code standards for CLUP map amendments.
3. Proposed height and massing of project would have an adverse affect on adjacent residential properties and surrounding historic structures and their setting.
4. Requested development bonuses could not be awarded if the property were developed according to its current "MFSA" zoning designation.
5. Required traffic improvements are identified which have not been addressed or provided.
6. Proposal would correct an existing inconsistent zoning designation to be compatible with the property's current commercial land use designation.

### **Public Notification/Comments**

The following has been completed to solicit input and provide notice of the application:

Type	Explanation
Neighborhood meeting completed	Completed 04.24.08
Courtesy notification of all property owners within 1,000 feet of the subject property	Completed 07.30.08
Newspaper ad published	Completed 07.31.08
Posted property	Completed 07.31.08
Posted agenda on City web page/City Hall	Completed 08.08.08
Posted Staff report on City web page	Completed 08.08.08

The listing of property owners who returned the notification/comment form, including the date received, property owners name, address, object/no objection/no comment and verbatim comments are attached as Attachment C.

Respectfully submitted,  
  
Eric Riel, Jr.  
Planning Director

**"2600 LeJeune Office Building" - Change of Land Use, Rezoning and Site Plan Review**

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**Attachments:**

- A. Applicant's submittal package.
- B. 10.01.07 Memo from Historic Preservation Officer.
- C. Synopsis of comments received from property owners within 1,000 feet.

N:\P Z B\Projects\2600 LeJeune Office Building\Staff reports\08 13 08 Staff report.doc

Attachment

**B****Carlson, Walter**

**From:** Kautz, Kara  
**Sent:** Monday, October 01, 2007 5:37 PM  
**To:** Carlson, Walter  
**Cc:** Chin, Simone  
**Subject:** 2600 LeJeune Road

Wally,

In response to your request for comments on the above referenced property, I offer the following:

On May 24, 2007, the owners of 2600 LeJeune Road (aka 2524 LeJeune Road) appeared before the Historic Preservation Board to request further determination of historic significance of the existing structures (two apartment buildings) on the site. After evaluation and discussion, the Board determined that although the property met the minimum eligibility criteria for designation as a local historic landmark, but was not so significant due to its location that it should deserve to be preserved. The motion also required that a cast detail located on the front façade be retained and turned over to the Historical Resources staff for its preservation.

At the HPB meeting May and at a subsequent DRC meeting, the Historical Resources Department has asked that the owners and architects take the First Church of Christ Scientist complex of buildings into consideration as they proceed. This complex of buildings, while not designated as a local historic landmark, is certainly significant and is eligible for listing in the Coral Gables Register of Historic Places. It is the desire of the HPB and of the Historical Resources Staff that this building be designated in the future as a local historic landmark.

I hope this helps as the application moves forward. I am interofficing to you a copy of the final letter written to the owners and the minutes from the May 24 HPB meeting. Thanks,  
Kara

Kara Noelle Kautz  
City of Coral Gables  
Historical Resources Department  
Historic Preservation Officer

kkautz@coralgables.com  
Phone: (305) 460-5090

*Please Note: Florida has a very broad Public Records Law.  
Most written communications to or from State and Local  
Officials regarding State or Local business are public records  
available to the public and media upon request. Your email  
communications may therefore be subject to public disclosure.*

August 6, 2008

**City of Coral Gables - Planning Department**  
**Letters Received from Property Owners**  
**Application No. 02-07-455-P – “2600 LeJeune Office Building (Change of Land Use, Rezoning and Site Plan Review)**

	Date Received	Name and Address	Object	No Objection	No Comment	Comments (Verbatim)
1.	08 05 08	Ramon Fernandez Miriam Blanco 357 Almeria Avenue, # 505 Coral Gables, FL 33134	X			The City is becoming ugly & congested especially if you place a 10 story which will seem like a high rise in that lot which nothing should be taller than City Hall. The Building (Bacardi) seems Taller than Code?
2.	08 04 08	Robert B. Moorman 365 Miracle Mile Coral Gables, FL		X		Go ahead. We NEED more office buildings in Downtown. We need more high rises. Our crooks in City Hall need more payoffs. Brown needs more takes – He's hungry & thirsty.
3.	08 04 08	Stanley S. Davidson 2655 LeJeune Road Suite 711 Coral Gables, FL 33134		X		I object to the height – it ought to be in accordance with existing “Commercial Use, Low-rise Intensity”. The change would certainly be incompatible with the existing neighborhood and would create a precedent for requests for other incompatible changes.

Attachment C