

City of Coral Gables City Commission Meeting
Agenda Item E-3 and E-4 are related
October 28, 2014
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Jim Cason

Vice Mayor William H. Kerdyk, Jr.

Commissioner Pat Keon

Commissioner Vince Lago

Commissioner Frank Quesada

City Staff

Interim City Manager, Carmen Olazabal

City Attorney, Craig E. Leen

City Clerk, Walter J. Foeman

Deputy City Clerk, Billy Urquia

Assistant Development Services Director, Charles Wu

Public Speaker(s)

Mario Garcia-Serra, Representing the Owner/Applicant

Randy Hill, Developer

[Start: 12:41:24 p.m.]

E-3: Change of Zoning. An Ordinance of the City Commission of Coral Gables, Florida requesting a change of zoning pursuant to Zoning Code Article 3, "Development Review", Division 14, "Zoning Code Text and Map Amendments", from Multi-Family2 District (MF2) to Commercial District (C) for the property legally described as Lots 6 and 7, Block 26, Douglas section, Coral Gables, Florida; and providing for a repealer provision, severability clause and providing for an effective date.

E-4: Conditional Use Site Plan Review. An Ordinance of the City Commission of Coral Gables, Florida requesting conditional use site plan review pursuant to Zoning Code Article 3, "Development Review", Division 4, "Conditional Uses" and Article 5, "Development Standards", Division 1, "Accessory Uses", Section

5-115, “Drive-throughs, walk-up windows, and automatic teller machines (ATM)””; for a drive-through bank facility on property designated Commercial District (C) adjacent to a Multi-Family 2 District (MF2) zoned district and legally described as Lots 6-10, Block 26, Douglas Section (1200 Ponce de Leon Boulevard), Coral Gables, Florida, including required conditions; and providing for a repealer provision, severability clause and providing for an effective date.

Mayor Cason: Then we’ll go on to Agenda Item E-3, another Ordinance on First Reading, which is a Change of Zoning. Madam Interim City Manager would you please read the title into the record.

Interim City Manager Olazabal: Yes. Item E-3 is a Change of Zoning. An Ordinance of the City Commission of Coral Gables, Florida requesting a change of zoning pursuant to Zoning Code Article 3, “Development Review”, Division 14, “Zoning Code Text and Map Amendments”, from Multi-Family2 District (MF2) to Commercial District (C) for the property legally described as Lots 6 and 7, Block 26, Douglas section, Coral Gables, Florida; and providing for a repealer provision, severability clause and providing for an effective date. And then Item E-4, which is a Conditional Use Site Plan Review. An Ordinance of the City Commission of Coral Gables, Florida requesting conditional use site plan review pursuant to Zoning Code Article 3, “Development Review”, Division 4, “Conditional Uses” and Article 5, “Development Standards”, Division 1, “Accessory Uses”, Section 5-115, “Drive-throughs, walk-up windows, and automatic teller machines (ATM)””; for a drive-through bank facility on property designated Commercial District (C) adjacent to a Multi-Family 2 District (MF2) zoned district and legally described as Lots 6-10, Block 26, Douglas Section (1200 Ponce de Leon Boulevard), Coral Gables, Florida, including required conditions; and providing for a repealer provision, severability clause and providing for an effective date.

Mayor Cason: OK. Go ahead.

Mr. Wu: Thank you Mr. Mayor. Wait for a moment for the PowerPoint to come up; we have a handful of slides. For the record, Charles Wu, Assistant Development Services Director, we are presenting before you two projects being heard currently called the “Ofizzina” located at 1200 Ponce. This is about a 0.65 acres, today it sites around two-story building of 12,000 square feet, built in around 1972. It is not historic. They are proposing conditional use drive-through bank at this location in a commercial district. Since next to it is MF2 zoning district, requires conditional review before you today. Here is a bird’s eye view of the property, its highlighted in yellow, the 0.65 acres; it’s adjacent to the Ponce de Leon Park which is about .3 acre that is not a historic park. And here are the adjacent uses – we have a one-story office project to the north; the project does face a parking lot that’s servicing the commercial building and the multi-family structure,

which is a two-story to the north; to the south you do have a four-story, multi-family project; to the further south immediately adjacent to the one-story commercial, of course to the east you have the park, and you have a three-story hotel to the northeast. South on Salamanca on the south side we do have an eleven-story mixed-used project. Here are some images of photos of the surrounding area; to the top is looking into the project, there you can see the round building; the middle picture on the left is a one-story commercial office building; middle picture on the right is the Ponce park; the building in the bottom left is where the parking lot is where the ATM drive-through will be looking into, it's just a parking lot today; and to the right is a four-story immediately adjacent and south of the subject property. The request is to rezone two lots, which they own, Lots 6 and 7, from MF2 to a commercial district. For your information, in year 1971, '73, approximately 40 years ago, the City Commission did change the zoning even though it's a residential zoning to allow off-street parking for a credit union which was a round building at the time. So you can see 40 years ago they already anticipated a transition from a residential to commercial use. Further, regarding the land use, in 1988 you did change the zoning for those four residential parcels; 6 and 7, 12 and 13, to a commercial land use today. So even though those four residential parcels in the back have commercial land use, they do have residential zoning today. Out of those four inconsistent...zoning the applicant has ownership of two, he is requesting two of them to change the zoning to commercial to be consistent with the land use. So it's a housekeeping matter to change two out of the four lots to make it consistent with the land use.

Mayor Cason: So the land use map came, the determination that it was going to be commercial came a number of years after the original zoning?

Mr. Wu: Yes.

Mayor Cason: OK.

Mr. Wu: Here's to show you a ground floor plan. On the right is where it faces Ponce, that is on the east. It does have 165-foot frontage, on the top which is Antilla, it has a 206-foot frontage. This is the access into the garage; and this is where the ATM access will be to the north on Antilla; and this is generally where it will face the parking lot; and you can see the internalized circulation for the ATM inside the building, that's where you have building frontage on Antilla. And here I'd like to pause and bring to your attention a couple of items of interest. The Zoning Code does have in the C-Commercial Zoning District a requirement, if a building taller than 45 feet in height has to have a minimum of 200-foot primary street frontage, as well as a minimum of 20,000 square feet of property size. This property does have 206-foot frontage on Antilla; the Code currently does not define what a "primary street" is. So it's not defined; however the applicant does have 206-foot frontage on Ponce. Secondarily, this project is designed, you'll see

a couple of slides later, is designed such that the frontage faces Ponce, and the Code does not today have that provision where the building has to face Ponce per say. So we do have a provision for residential projects if they have a corner lot facing Ponce, the residential project has to face Ponce. In this case, it's silent on the commercial project and we will show you slides how they did design the building to have an appearance on the frontage on Ponce.

Vice Mayor Kerdyk: Let me ask you a question since we are talking about the 200 feet of frontage. I have always thought that the 200 feet of frontage meant primary streets, Ponce, LeJeune, Alhambra Circle, Douglas Road, what has always been told me the reason its primary is that a street that is larger can take a larger building from an architectural perspective and that was why we had always traditionally had viewed those as the primary streets. Here you are calling, what is that side street?- Sedonia?- is it Sedonia?

Mr. Wu: Antilla.

Vice Mayor Kerdyk: Antilla – OK. Antilla is the primary street, so I guess why?- how?- is the question. First of all let me just say, I like the project, but I'm just trying to get my hands around.

Mr. Wu: Sure. That is the logical conclusion. I'll caution you on two things: some of the lots facing Ponce do not have 200-foot frontage, particularly in downtown Ponce properties, you do have intervening alleys separating the north properties from the south properties, so those properties generally do not have 200-foot frontage on Ponce, unless you abandon the alley. So in those downtown properties maybe less than 10 blocks cannot meet those criteria. The second thing is that in this situation the property owner at this time had not been able to assemble the corner lot, so while we might agree internally with P&Z and staff that this is a good project, if we hold dear that the 200-foot has to face on Ponce this project cannot move forward because they cannot get the corner lot. It will be a hindrance to redevelopment if you cannot get the entire block frontage on Ponce. So, I will share that with you those two thoughts and if you think we need further policy directive we are here to discuss that.

Vice Mayor Kerdyk: It used to be that if you didn't assemble the 200 feet then you just didn't build the project. Again, the project looks like a good project; I understand why you moved it forward. I'm just trying to get my hands around whether what a primary street is now in the City of Coral Gables, is the primary street Ponce?- or is the primary street the side street?- and if it is and the primary street is Ponce, then maybe we still can move forward with this issue. But I need to know some clarifications so the next time it comes in and there is 100-foot lot that has a 250-foot side street that we understand that this is our thought process now, is we are trying to make sure that projects get redeveloped – I think our concept would have changed at that point, so I'd like to hear the feedback from...

Mayor Cason: Are you saying it's silent on commercial which is the primary that it's subjective.

Vice Mayor Kerdyk: It does say primary, it says primary.

Mr. Wu: It says primary but it doesn't define how primary is, what primary is. I'd like to share with you in 2003, which is a project you can see today on 1805 Ponce is a very similar situation. They have only 75-foot frontage on Ponce, they occupy the major block in the rear, so that's an example where the position was taken back then.

Vice Mayor Kerdyk: Let me tell you, the person that proposed – the Commission lambasted the employee that brought that forward after that was built, we missed it basically is the fact that we missed it. OK. Just keep on going.

Mayor Cason: Are you saying that the façade will look like the principal entry point into the building.

Mr. Wu: As I go to the slides you will see it's designed to have the primary façade treatment along Ponce.

Mayor Cason: OK. And what was the original rationale for – the building is there, regardless of where you enter it, what was the thought behind...

Commissioner Lago: The minimum of 200 feet.

Mayor Cason: Was it something that was supposed to be aesthetic?- is it relevant today? I don't know.

Commissioner Lago: This may not be the time to discuss it, but I have to also tend to agree with the Vice Mayor and the Mayor on this issue. This may be a housekeeping matter for the future to discuss, but comes to a certain point when you look at this you are seeing that obviously your property fronts 206 feet on Antilla, excuse me, on Antilla, and then 75 feet on Ponce, and you are talking about a primary. May be your attorney can give a little clarification on that, because I don't want to have an issue where there is a double standard or there is a comment where in the future we may have to face it with another developer and this may be the case.

Mr. Garcia-Serra: Name for the record, Mario Garcia-Serra, with offices at 600 Brickell Avenue representing the owner/applicant of the property Ofizzina 1200 LLC, and indeed on the issue of frontage where we have the 200 feet of frontage is on Antilla; on Ponce its about 165, if I

remember correctly, and the Zoning Code requirement is for 200 feet of primary street frontage; and what happens you have to look at the intent of why we have those requirements in there; and the intent is to have a properly sized and configured property to support this size of development. So it requires 20,000 square feet plus the 200 feet of frontage; and in this case I would say when you look at the location of the property on the major intersection, the configuration where it's not an odd configuration, it's pretty standard configuration for what we are building, you have in excess of 20,000 square feet and an excess of 200 feet, granted it's on Antilla and not on Ponce, but the building is still on -- the highest point of the building is oriented towards Ponce and the entrance is oriented towards Ponce, but it certainly complies with the intent of that regulation. There being no actual definition of primary street frontage, it's something that's left up to staff to interpret and staff has made the interpretation that this site and project comply with those requirements.

Commissioner Keon: Excuse me, that's the Ponce....

Mr. Wu: Yes. Yes. And Ponce does have the primary pedestrian entryway on that side as well. The secondary vehicle and primary vehicle access is on Antilla, so again Antilla does serve as the secondary vehicle access.

Mayor Cason: So you are saying that the original idea was to have a properly sized building, not a lot of little buildings on a primary street?- is that basically Mario you were saying?- and you are saying that this does it even though the orientation is...

Commissioner Lago: Not in line...

Mayor Cason:...not in line – instead of this way it's this way.

Mr. Garcia-Serra: Right. The intent was to have a properly sized and sufficient size and configured lot to support a building of this size and I think it certainly meets the criteria here and that's what staff has interpreted too. And as you mentioned also Charles, there were two other examples of where you have buildings approved of this size, 20,000 square foot lots that have the 200 feet of frontage on the side street and not on the front street -- 1805 Ponce and 2020 Ponce.

Mayor Cason: And when was this requirement put in the Zoning Code?

Mr. Wu: I'll turn to staff.

Commissioner Lago: It goes back to what we were discussing.

Vice Mayor Kerdyk: It's always been 200 feet; 20,000 square feet that was basically it.

Mr. Wu: With buildings exceeding 45 feet in height.

Vice Mayor Kerdyk: The question is primary street, that's the question, they are interpreting one way.

Commissioner Quesada: Bill how about we do this?- how about we put an item on the agenda for a future meeting, we have Charles go back and look at different projects, see if we can get the legislative...when it came on. I think for the 20 years you've been on this Commission that's been on there.

Vice Mayor Kerdyk: It's been on there may has well been in advance of that too.

Commissioner Quesada: So I think maybe – we have a lot on the agenda today, so let's put it on another meeting and have the full discussion and have Charles do the – City Manager direct staff.

Commissioner Keon: This is really pretty though.

Commissioner Lago: It's a beautiful project.

Commissioner Keon: I mean it's really a beautiful project and I think that we shouldn't – as you look at this and if we maybe make changes to whatever we are doing, we need to know and remember that our City is evolving in a way that maybe we didn't envision it to evolve, when a lot of these things were written and initially first discussed because we wanted, you know we didn't consider buildings in the City of Coral Gables that were going to be 18 stories high, a lot of the things that now really do benefit us; and I think the most important element is that the fronting because those primary streets, Ponce and those avenues, I guess are the streets, they are not the avenues, they are the streets and they have the wider boulevards, we want them to always look like, we want the buildings to front on those wider more boulevard-like streets that we have, so to me it's really more important that where the building fronts and the façade of the building where it fronts that it is really its attractive and looks like the front of a building than I'm really concerned about the depth of a building on a side street.

Mayor Cason: Is this picture the front on Ponce?- looks like to me an entrance.

Commissioner Keon: Yes, it looks like an entrance, it's beautiful and I think you can have a secondary entrance on Antilla, but as long as there is what appears to be a very lovely and

substantial entrance on the boulevard, the primary streets are not, whether its primary or secondary is not as long as the fronting on the boulevard is such. I don't have a problem with it.

Vice Mayor Kerdyk: Actually, I don't disagree with you to be perfectly frank with you, but we do need to have a discussion about this because the next project that's going to come in is going to be 110 foot frontage with 230 feet in the back, and is that OK with you then?

Commissioner Keon: I don't know. I think...

Vice Mayor Kerdyk: That's why we need to have a discussion, this is a very well made building, designed building, there's no doubt about it, and it fits in that location there, but primary streets, as we've interpreted before are primary streets. So we can move forward on this, have a discussion at some point and vet it in the public, because we've vetted this before; this is not the first time we've vetted the primary street concept.

Mayor Cason: Bill, I want to be clear. Are you recommending that we defer discussion of this?- or vote on this?- and move forward?

Vice Mayor Kerdyk: It's an ordinance on First Reading.

Commissioner Keon: It's on First Reading.

Mayor Cason: I agree. I think there is no way you could twist it on the lot size so that's it. I think if this were just a wall we'd go for it, but it looks to me like a great entrance, and I think the intent met, you said 20,000 on a properly sized building and...

Commissioner Quesada: Well not the intent, the minimum requirements...

Mr. Garcia-Serra: And for purposes of at least for the academic discussion also, consider that it is, has a tremendous amount of street frontage in general. You want big buildings to be fronted on the street and not necessarily in the mid-block, let's say, where you have a situation on....

Commissioner Quesada: Well the thing is this building is incredibly similar to the project just south of it at 13...

Mr. Garcia-Serra: 1300 Ponce.

Commissioner Quesada: And then there is another project, what is it?- maybe 15th as well and Ponce, it's very similar, and then across the street as well.

Mr. Garcia-Serra: Sure.

Commissioner Quesada: It's consistent with everything in the area.

Vice Mayor Kerdyk: But 1300 Ponce has a frontage of, I don't know, Randy can tell you, how many front feet do you have in 1300 Ponce?- 216?

Mayor Cason: And I don't think the ATM part has any problem for us, because we approved recently on Alhambra about a year or so ago, an ATM did require signs. This is all internal, right?

Mr. Garcia-Serra: Yes.

Mayor Cason: So I don't see any problem with that.

Mr. Wu: I have a handful of more slides left.

Mayor Cason: OK. Go ahead.

Mr. Wu: I'll go back to the slides and wrap up my PowerPoint. We have a landscape plan; they are proposing five Mahoganies on Antilla, two Bismarck Palms at the corner and 10 Alexandria Palms on Ponce. There is a 3D rendering and as you see this is the façade facing Ponce; staff and the Board of Architects had a lot of time trying to finesse the architecture of the Ponce side. As you can see there are a lot of design details that used the Mediterranean design criteria. As you can see compared to Ponce, this is the secondary façade, even though – you can tell from the three facades which is the primary one. Craig has spent a lot of effort on the Ponce albeit the other facades are beautiful as well. They are also proposing Jasmine vines along with where the garage will face the residential properties to the south; and this project is designed that such that if the adjacent properties south come in later, they can have a logical extension to the building as well. So I think that goes to the heart of Commissioner Keon's thought is that if this can be done a piece-meal fashion they'll still work together as a cohesive project. This is the west elevation. One other significant that's of interest to the project is the proposing substantial improvements to the adjacent Ponce Park. They are trying to accomplish two things; one is to satisfy the tree replacement, they have trees on the property that they have to remove, and as well as to meet the art in public places requirement. Of course they have to go through the process according to our Zoning Code to approve both the art component and the tree replacement, so that's going to go through a separate process, but so far they have a concept to make those improvements on the Ponce Park. The Public Services Department has reviewed it conceptually and has OK'd the

concept. This is some site data, will not belabor the point; they have in excess of 9 parking spaces and the minimum requirement, they satisfy the conditional use review of Section 5-115, that the drive-through is strictly enclosed within the building and they are making improvements to the park, and they have sufficient stacking for the drive-through, which is a very important component for traffic circulation on Antilla; and for your information the ATM is not proposed at this time. Regarding the change of zoning, we are satisfied that Section 3-1404 has been met. It is consistent with the Comprehensive Plan to continue to do the height, quality development occurring on North Ponce and the rezoning of Lots 6 and 7 will correct the land use in zoning inconsistency. The Board of Architects gave preliminary design approval of the Mediterranean architecture bonuses at its July meeting, and a neighborhood meeting was held in August and the Planning and Zoning Board recommended unanimous approval at its October meeting. That concludes staff's presentation and recommendation of approval.

Mayor Cason: Let me ask if there is anyone from the public, since this is a public hearing, anybody – any speaker cards?

City Clerk Foeman: No Mr. Mayor.

Mayor Cason: So we'll close the public hearing part.

Commissioner Quesada: I think there is one that wants to speak.

Mayor Cason: Someone wants to speak? I don't have a card. Fill it out afterwards. Go ahead.

Commissioner Keon: Tell us who you are.

Mr. de la Raga: Commissioners my name is Jorge Sanchez de la Raga, I'm of the owners of the property at 1313 Ponce de Leon Boulevard and I'm just here briefly to express our support for this project and urge your approval. We've had the opportunity to meet with the owner and discuss the details of the project and I think it's a fine fit for the neighborhood, and I took the time to come here to tell you that we as adjacent owners are in support it, that's all.

Commissioner Keon: Thank you.

Mayor Cason: Thank you. Anyone else?

Mr. Hill: Good afternoon everybody. Mr. Vice Mayor it's been a few years since I've stood at this podium.

Vice Mayor Kerdyk: You used to spend a lot of time out there.

Mr. Hill: I did. My name is Randy Hill, I'm a developer along with another company called Deco, at 100 Andalusia, 55 Merrick, 1600 Ponce, 1300 Ponce, all those projects started on or about 2005, and to this day we are still the developer in place in control of 1300 Ponce, which would arguably be one of the most affected neighbors because I still have, unfortunately about 50 units to sell, and most happen to be on the north side of the building. We've met with the developers, the Boschetti family personally, we are in full support of the project. We believe it fits within the scope of the neighborhood. We are huge proponents and some say from a residential standpoint, we've kind of we are the most northern developer to build a residential project and we are quite honestly excited to have more development at the north end, and not that I'm a complainer, and Bill knows that I speak my peace. More of these projects need to be considered that increase the depth on both the east and west side of Ponce. Right now we are designated as 100 feet of depth and if you look at both 1607 Ponce, which is a residential building and then my building, 1600 Ponce, we are very limited in what can be developed on a 200-foot lot of frontage with 20,000 feet times 3.5 of Med. Bonus, we are talking about 70,000 foot structures of arguably the last chance we have to do great developments in the north Ponce, and so not to bring up that bag of worms today, but I think that this project as the way its presented has taken into consideration some projects that I just mentioned that don't really maximize what's best for the north Ponce corridor, but because 1607 and 1600 Ponce were built as-of-right that's what we were stuck with. We did a pedestal building with a 8-story garage, with an 8-story building on top, so on behalf of my family, my investors that spent a lot of money in this community and especially at 1300 Ponce, I'd like to just say I'm in full support of this project.

Mayor Cason: Thank you very much.

Speaker: Excuse me sir, would you just state your business address for the record.

Mr. Hill: 1300 Ponce de Leon, lobby, second door.

Mayor Cason: OK. That closes the public hearing portion. Mario do you have anything else.

Mr. Garcia-Serra: You know it was a very abbreviated presentation. The Boschetti family has owned this property now for 10 years. They are one of the more successful development firms here in Dade County, they want to make this their permanent home, they are seeing this as a flagship project where they will be occupying the Penthouse for their headquarters. The two requests that we are looking for, rezoning of those two back lots which currently serve as a surface parking lot from MF2 to commercial, which will correct an inconsistency; and in the

Comprehensive Plan which designates it for commercial high; and the zoning map which has it as MF2; the conditional use approval for the drive-through facility off of Antilla, which is completely internalized, there is no exposure to the exterior. Staff has done a very thorough review of the project for consistency with the Comprehensive Plan and compliance with the criteria of conditional use. Its recommended approval, Planning and Zoning were recommended approval 7-0; and we have the project architect here as well as the artist who is designing the improvement to Ponce de Leon Circle Park. I'll defer to you guys knowing the agenda that you have as to what you want to hear from whom.

Mayor Cason: You guys OK now?

Commissioner Lago: I'm perfectly fine.

Vice Mayor Kerdyk: I'm fine.

Mayor Cason: OK – fine. We have to start with E-4, I think, E-3, that's the change of zoning. Do we have a motion?

Commissioner Lago: I'll make a motion.

Mayor Cason: Commissioner Lago makes the motion.

Vice Mayor: I'll second.

Mayor Cason: Vice Mayor seconds.

City Clerk

Commissioner Keon: Yes

Vice Mayor Kerdyk: Yes

Commissioner Lago: Yes

Commissioner Quesada: Yes

Mayor Cason: Yes

(Vote: 5-0)

Mayor Cason: E-4, conditional use site plan review. Motion?

Commissioner Lago: I'll make a motion.

Mayor Cason: Commissioner Lago makes the motion. Second?

Commissioner Keon: I'll second it.

Mayor Cason: Commissioner Keon seconds.

City Clerk

Vice Mayor Kerdyk: Yes

Commissioner Lago: Yes

Commissioner Quesada: Yes

Commissioner Keon: Yes

Mayor Cason: Yes

(Vote: 5-0)

Mr. Garcia-Serra: Thank you very much.

Mayor Cason: Thank you.

Commissioner Keon: Charles, can we look at that issue that he talked about also looking at frontage about the depth also?

Mr. Wu: Sure – we can roll that into one discussion.

Commissioner Quesada: How about we do this?- because this is something that I've been wanting to do for a while and I've been discussing it internally for a while. I want to have a comprehensive discussion on the North Ponce corridor, everything north of it from Alhambra to 8th Street, Douglas to LeJeune. I want to have a discussion related to that area and I think this all ties in pretty nicely.

Interim City Manager Olazabal: A longer discussion but yes, we can do that.

Commissioner Quesada: Sorry?

Interim City Manager Olazabal: It will be a longer turnaround time.

Commissioner Quesada: Yes, it is. It is.

Interim City Manager Olazabal: All comprehensive that makes sense.

City Commission Meeting

October 28, 2014

Agenda Items E-3 and E-4 are related Change of Zoning and
Conditional Use Site Plan Review – 1200 Ponce de Leon Blvd.

Mayor Cason: I agree with it. Let's schedule it as a workshop or we can do it as a Commission meeting.

Commissioner Quesada: I think a workshop is the best way...

[End: 1:10:35 p.m.]