



**City of Coral Gables  
CITY COMMISSION MEETING  
January 13, 2009**

**ITEM TITLE:**

**Ordinance on First Reading and Resolution (Adoption of Resolution will occur at which time Second Reading occurs).** Consideration of Application No. 06-08-070-P, consisting of the following two (2) items:

- 1. Ordinance on First Reading.** An Ordinance of the City Commission of Coral Gables approving the vacation of a public alleyway pursuant to Zoning Code Article 3, Division 12, "Abandonments and Vacations", for the proposed mixed use project referred to as "DYL Merrick MXD", on the property legally described as all of Block 16, Industrial Section (4601 LeJeune Road) Coral Gables, Florida; providing for a repealer provision, a savings clause, and a severability clause, and providing for an effective date.
- 2. Resolution.** A Resolution of the City Commission of Coral Gables approving a mixed use (MXD) site plan for the proposed mixed use project referred to as "DYL Merrick MXD", located on property legally described as all of Block 16, Industrial Section (4601 LeJeune Road), Coral Gables, Florida; as set forth in Application No. 06-08-070-P; subject to certain conditions.

*(Please note, this Staff report/recommendation examines and evaluates the regulatory review process of the mixed use site plan and associated vacation of alley. This report does not provide any analysis or background regarding the proposed land swap on the LeJeune Road City Parking Lot No. 31 to the proposed park at the corner of Greco and Granello Avenues. That application is a separate application required to be reviewed pursuant to the City Procurement Code and is not under the purview of the Planning and Zoning Board. The land swap issue is a City Procurement Code/Landlord issue and will be reviewed by the City Managers Office and City Commission and as a separate staff report and recommendation which will be provided under separate cover.)*

**RECOMMENDATION OF THE CITY MANAGER/PLANNING DEPARTMENT:**

Recommends approving the vacation of a public alleyway and proposed mixed use project referred to as "DYL Merrick MXD" as referenced in above item titles. The recommendation for approval is based on the findings of fact provided in this memorandum and associated supporting documents.

The proposed Ordinance is provided as Exhibit A, and the proposed Resolution as Exhibit B.

**PLANNING AND ZONING BOARD RECOMMENDATION:**

The Planning and Zoning Board on 12.10.08 made a motion to approve the above applications, the result of the vote on the motion was a 3-3 vote. A 3-3 vote is considered as "no recommendation". A minimum of four (4) votes are necessary as a "majority vote" to pass a motion. Therefore the Board provided no recommendation with the 3-3 vote.

## **BRIEF HISTORY:**

At the 10.08.08 meeting, the Planning and Zoning Board deferred this item to the Board's 11.12.08 meeting. At the 11.12.08 meeting after conducting and closing the public portion of the meeting, the Board continued this item for further consideration at the 12.10.08 meeting.

At its 12.10.08 meeting, the Board provided "no recommendation". However, the Board did deliberate/discuss various conditions of approval proffered both by the applicant as well as those recommended by Staff as follows:

1. Provide an additional eight (8) foot building setback and possible removal of the loggia along the entire length of LeJeune Road.
2. Provide additional setback on the 4<sup>th</sup> and 5<sup>th</sup> floors of the building's southwest corner (intersection of LeJeune Road and Granello Avenue).
3. Provide a thirteen (13) foot landscape buffer along entire length of LeJeune Road with a break in the landscape buffer in the area in front of the building's front entrance feature.
4. Prior to consideration by the City Commission, all proposed revisions shall be subject to review and approval by the Board of Architects.
5. Provide a Restrictive Covenant requiring that the building's ground floor internal service corridor to remain open and available for use by the 'public' as a public alleyway.

The Planning and Zoning Board did discuss various issues and conditions, and the applicant proffered various changes to the site plan which have been outlined in this cover memo. The applicant did resubmit the changes identified and discussed by the Board to the Board of Architects. The applicant secured preliminary approval from the Board of Architects on 12.23.08, and was granted Mediterranean architectural approval. The applicant has provided plans of the changes which are included as attachments to this cover memo (see Exhibit I). The applicant shall review and explain those changes as a part of their presentation.

## **LEGISLATIVE ACTION:**

<b>Date:</b>	<b>Resolution/Ordinance No.</b>	<b>Comments</b>
N/A		

## **OTHER ADVISORY BOARD/COMMITTEE RECOMMENDATION(S):**

<b>Date</b>	<b>Board/Committee</b>	<b>Comments (if any)</b>
12.23.08	Board of Architects	Approved.
12.10.08	Planning and Zoning Board	No recommendation with a tie vote (vote: 3-3).
11.12.08	Planning and Zoning Board	Conducted public portion of meeting and continued item to the 12.10.08 Board meeting.
10.08.08	Planning and Zoning Board	Board deferred this item to the 11.12.08 Board meeting.
06.27.08	DRC Meeting for Alley Vacation	Approved with comments.
03.19.08	Board of Architects	Approved.
02.28.08	Board of Architects	Approved.
01.25.08	DRC Meeting for Proposed Development	Approved with comments.

**PUBLIC NOTIFICATION(S):**

<b>Date</b>	<b>Form of Notification</b>
09.16.08 and 10.15.08	Property Owner Public Hearing Courtesy Notification to all properties within the Southern Industrial MXD District and surrounding boundary.
09.18.08	Published ad giving Notice of Public Hearing.
09.24.08	Agenda item was posted on Planning Department web page/City Hall as a part of 10.08.08 Planning and Zoning Board Agenda.
09.24.08	Agenda item was advertised as a part of 10.08.08 Planning and Zoning Board Agenda.
10.03.08	All 10.08.08 staff reports, background items, etc. were posted on Planning Department web page.
10.29.08	Agenda item was posted on Planning Department web page/City Hall as a part of 11.12.08 Planning and Zoning Board Agenda.
10.29.08	Agenda item was advertised as a part of 11.12.08 Planning and Zoning Board Agenda.
11.07.08	All 11.12.08 staff reports, background items, etc. were posted on Planning Department web page.
11.26.08	Agenda item was posted on Planning Department web page/City Hall as a part of 12.10.08 Planning and Zoning Board Agenda.
11.26.08	Agenda item was advertised as a part of 12.10.08 Planning and Zoning Board Agenda.
12.05.08	All 12.10.08 staff reports, background items, etc. were posted on Planning Department web page.
12.18.08	Property Owner Public Hearing Courtesy Re-Notification to all properties within the Southern Industrial MXD District and within 1,500 feet of the surrounding boundary.
01.02.09	Legal Notice of Ordinance/Resolution Heading on First Reading.
01.09.09	All 01.13.09 City Commission cover memos, staff reports, background items, etc. were posted on Planning Department web page.

**APPROVED BY:**

<b>Department Director</b>	<b>City Attorney (If Applicable)</b>	<b>Interim City Manager</b>
Eric Riel, Jr. Planning Director	Elizabeth Hernandez	Maria A. Jimenez

**EXHIBIT(S):**

- Exhibit A: Ordinance – Vacation of alleyway.
- Exhibit B: Resolution - MXD site plan review.
- Exhibit C: 10.08.08 (provided to Board on 11.12.08 and 12.10.08) Planning Department Staff Report with attachments.
- Exhibit D: 10.08.08 PZB Verbatim Meeting Minutes with attachments.
- Exhibit E: 11.12.08 PZB Verbatim Meeting Minutes with attachments.
- Exhibit F: 12.10.08 PZB Verbatim Meeting Minutes with attachments.

Exhibit G: Staff's 01.13.09 City Commission PowerPoint Presentation.

Exhibit H: Applicant's 01.13.09 City Commission PowerPoint Presentation.

Exhibit I: Applicant's Revised Plans.

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