

City of Coral Gables City Commission Meeting

Agenda Item E-3

October 26, 2010

City Commission Chambers

405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Donald D. Slesnick, II

Vice Mayor William H. Kerdyk, Jr.

Commissioner Maria Anderson

Commissioner Rafael “Ralph” Cabrera, Jr.

Commissioner Wayne “Chip” Withers

City Staff

City Manager, Patrick Salerno

City Attorney, Elizabeth Hernandez

City Clerk, Walter J. Foeman

Deputy City Clerk, Billy Urquia

Planning Director, Eric Riel

Public Speaker(s)

Dr. Rakofsky, Applicant

E-3 [Start: 11:55:09 a.m.]

Application No. 09-10-119-P. Change of Land Use. An Ordinance of the City Commission of Coral Gables, Florida amending the Future Land Use Map of the Coral Gables Comprehensive Plan pursuant to small scale amendment procedures subject to ss. 163.3187, Florida Statutes, from “Commercial Use, Mid-Rise Intensity” to “Commercial Use, High-Rise Intensity” for a 0.6 acre parcel legally described as Lots 1-10, Block 7, Crafts Section (246-296 Andalusia Avenue), Coral Gables, Florida; and providing for severability, repealer, codification and an effective date. (PZB recommended approval, vote: 5-0).

Mayor Slesnick: We now move on to E-3, Ordinance on First Reading, and Mr. Manager if you are reading the ordinance.

City Manager Salerno: Thank you Mayor. E-3 is a Change of Land Use. An Ordinance of the City Commission of Coral Gables, Florida amending the Future Land Use Map of the Coral Gables Comprehensive Plan pursuant to small scale amendment procedures subject to ss. 163.3187, Florida Statutes, from "Commercial Use, Mid-Rise Intensity" to "Commercial Use, High-Rise Intensity" for a 0.6 acre parcel legally described as Lots 1-10, Block 7, Crafts Section (246-296 Andalusia Avenue), Coral Gables, Florida; and providing for severability, repealer, codification and an effective date. (PZB recommended approval, vote: 5-0).

Mr. Riel: Good morning again. This is also a change in land use from mid-rise to high-rise; no change in zoning is being proposed since the property currently has a "C" commercial zoning designation. Site plan approval recommendation is not being requested at this time, site plan will be secured at a future date pursuant to whatever the applicant or the desire for development of property. Staff comp is consistent in terms of the comprehensive plan. As you all know, you recently approved a city parking garage which will go from mid-rise to high-rise, and about three minutes ago approved the property in close proximity to this 272 Valencia for approval. The Planning Board did discuss this, they did recommend approval 5-0 and staff does support. We did provide notice within 1,000 feet of the property, and after this request, if this request is recommended for approval it's scheduled for November 9th for Second Reading. The applicant is here to make a recommendation.

Mayor Slesnick: OK. Before we get there, before this is all over, I want a comparative size analysis between the site we just approved and this site.

Mr. Riel: Its basically about half the size in terms of the parcel, the other proposal was 1.2. This is about .6. In terms of the development potential, they could get up to approximately 90,000 square feet depending on Mediterranean bonuses. If they are not granted Mediterranean bonuses about 50-60,000 square feet, that obviously does not include parking.

Mayor Slesnick: And what does that mean for height on this size parcel?

Mr. Riel: Height could mean if the request is approved it goes from mid-rise to high-rise, basically 97 feet to 150, and they can go to high-rise which is 190 feet.

Mayor Slesnick: They can fit that on this size property?

Mr. Riel: Yes. If it meets the minimum dimensions in terms of the 200 foot frontage, and the minimum 20,000 square feet to go to high-rise.

Mayor Slesnick: I mean, I go back to Commissioner Withers fears about the actions we first took that you so rightfully reminded us of two months ago or so, in the garages and now on the other site, and this is like a disease, its measles, it's spreading.

Mr. Riel: The adjoining property, Publix property is adjacent - is allowed, is high-rise, obviously the city garages....

Mayor Slesnick: I know that.

Mr. Riel:...the parcel behind it is the Post Office which is owned obviously by the federal government, my guess is, I don't think there are any proposals, but I can tell you there are no other land use applications that have followed....

Mayor Slesnick: OK, but Eric we've all been basing a lot of what we are doing on the passage of Amendment 4; Amendment 4 doesn't pass there is nothing to stop all the other people from coming in right after this, that's all. Anyways, let's look, let the applicant talk and Sandy are you giving your presentation?

Dr. Rakofsky: Good morning Mayor, Commissioners, City Manager, City Attorney. I'm Doctor Rakofsky; I've been living in Coral Gables for over 37 years, for 25 years I've been at 77 Arvida Parkway. I practice medicine in Coral Gables; my offices are right across the street at the 401 Building, I've been in there 37 years practicing ophthalmology. I also own property in Coral Gables, when I received the letters....

Mayor Slesnick: To be completely fair, let's also admit to the fact that Sandy and I also served together in the Army Reserves, so.

Dr. Rakofsky: Yes, thank you. I own property in Coral Gables on Andalusia and am happy to announce that the Zoning Board approved unanimously for me to come before you to request permission to change the zoning from mid-rise to high-rise high intensity. I think this is very good for the City, I think it's very good for the citizens of Coral Gables because it will increase the tax revenue if anything. As was just mentioned, all the property right in front of me the garages have just been rezoned on Andalusia to high intensity, the Publix to the left of me, the entire block is high intensity, to the right of me is Ponce de Leon and the building on the corner, Wachovia is high intensity, and the last block on Andalusia is also high intensity. I know you all love Coral Gables as I do, I know you all are visionaries as I am, I think we can make George Merrick proud because I'm thinking I would like to get involved in the City and the Mayor knows I've been involved in the past, I think we can do something that makes those four blocks that you control quite a bit of plus my property, maybe do a....like they have in Florence, or

arches like they have in Venice. I think it's a golden opportunity to do something that's very exciting for that strip. I ask for your approval and your blessing. Thank you.

Mayor Slesnick: When you went to the Planning and Zoning Board did you show them any conceptual plans?

Dr. Rakofsky: Whatever the City wanted to do I was willing to participate in; I just wanted to be in a position to be able to participate in.

Mayor Slesnick: Thank you, Eric. Eric when the Mercedes Benz people came to us they showed us conceptual drawings of a building, sold us on the arcades, and how much prettier it was going to look than the surface parking for used cars, and so forth, and the step-backs, and all this stuff. What is the – and Madam City Attorney, what was the – in other words when we accepted that, that's part of the record, I understand that, but there is really no reliance that we can make on the drawing that we were shown.

Mr. Riel: You're absolutely correct. The site plan was not approved as part of the condition as we've done in the past; it's just an indication to what potentially....

Mayor Slesnick: Dr. Rakofsky not having a drawing doesn't differentiate it...

Mr. Riel: Correct.

Mayor Slesnick: He could have or not have a drawing, it doesn't matter.

Mr. Riel: It's no different.

Mayor Slesnick: I would like to go back though, and of course everybody on the Commission has their right to agree or disagree, but you know somehow I want to make sure that the drawing that we saw, now I know it may not exactly be the site plan, but that, that drawing, make sure it's on the record, make sure that when the site plan comes back that, that drawing be there to compare it to, so that this Commission or future Commissions will have the product that we were sold. I mean, I think put a lot of faith in the idea that it was going to be a building like this with these features. So we don't have anything like that here, so we don't have anything to work on, and you know I have to say to Dr. Rakofsky too that one of the things that scares me to death is that we may lose our last downtown gas station, I'm serious; it may not be the biggest profit center, but....

[Inaudible]

Mayor Slesnick:...where is the other one?

[Inaudible – South Dixie]

Mayor Slesnick: OK. The last downtown – the last downtown, there were at one time more, but now this is the last of our gas stations. For those of you who don't recognize addresses or site plan descriptions or whatever, this is the site of the gas station at the corner of Salzedo and Andalusia, and I know many of us use it.

Would you also entertain the idea that I briefly discussed, I think Mr. Bellam was in the audience at the time and Mr. Riel may have been up here to speak to us, but would you also consider that you entertain the lost, the possible loss of on-street parking with this project; because here's what happened, a very interesting subsequent conversation took place, and I learned that in many, many instances when an applicant comes to us with a private development like this, we tell them how many bump-outs we are going to have, we tell them how many parking spaces they need to purchase to build those bump-outs, and we do it for good reason; we do it because our streetscape, and what we've all decided, but I think you all have agreed at one point or another with me, that there needs to be some sort of middle ground between streetscape and the loss of on-street parking.

Mayor Slesnick: On this particular site does the site include some of the stores to the east of the gas station?

Vice Mayor Kerdyk: Yes, it does.

Mayor Slesnick: OK. OK.

Commissioner Cabrera: There is on-street parking on the north side of this property, and there is on-street parking on the south side of the property.

Mayor Slesnick: How far down?- OK – well I just want to make sure that everybody...I like to talk in layman's terms here. We are talking about going down to and including the Chocolate Factory and anything beyond that.

Commissioner Cabrera: Yes. That's it because the Sanchez Building is....

Mayor Slesnick: Is about 5 or 6.

Commissioner Cabrera: I counted them the other day, it could be 6, but I thought it was more like 8 or 9. That's alright – and then on the opposite side, on the south side there may be some parking too, maybe not, I don't remember going. You have Andalusia...

Mayor Slesnick: You have the south side.

Commissioner Cabrera: Well the north side also.

Mayor Slesnick: North side is in front of our garage, there is one parking space behind the theater and then several behind our garage up to the entrance.

Commissioner Cabrera: But in front of Chocolate...there is parking, and there is parking immediately east of the gas station, the photo shop is there.

Mayor Slesnick: We should consider that.....

Commissioner Cabrera: That's all I'm asking you. At the end of the day we may end up living by our streetscape and putting up more of these bump-outs, but the bottom line is you are killing on-street parking by doing so, and you could be affecting it as much as 50 percent or maybe less, I don't know.

Mayor Slesnick: Absolutely.

Commissioner Cabrera: I just think that when we get...you know in all fairness to the applicant, I think the applicant was very quick to, and I guess I'm giving up the person that said this to me, but the architect said, hey listen, we are all for on-street parking, the problem is that you are the ones, the City, you're the ones that tell us to do away with it and then we have to buy it for the next number of years, I forget how many years it is, or I don't know if it's purchased perpetually or it's purchased at a onetime discount, I don't know, I don't know how that works, but time and time again we continue to lose on-street parking.

Mayor Slesnick: I think when the site plan comes back that's an absolute; I think we always consider that.

Commissioner Cabrera: That's all. Well I just want to make it clear for the record.

Vice Mayor Kerdyk: If I could say something. Of course especially for Doctor Rakofsky, he is such an excellent citizen and also a corporate citizen and a property owner. Doctor, I won't be voting for this, it's hard to believe a realtor won't be voting for this, but the fact is the following:

I actually think the City is a planned City, and it's not that we are doing things that are incorrectly by putting sixteen stories on your spot, but the fact is whatever way you look at it, we are spot zoning. So I don't care how you look at it, I don't care how you want....we are spot zoning; we spot zoned our parking garages across the street from you, we just spot zoned the Mercedes Benz dealership, and that's the will of the Commission then what we need to do is up-zone every single property in the Central Business District that has 20,000 square feet. I am not for taking your property or my properties or whatever, and up-zoning it without taking care of the other individuals that own property there. We by doing this will sooner or later do that, we will up-zone every property in the Central Business District, and we will not get any more buildings like the Dean Colson Building on Aragon, it's not going to happen, this is it. We are not going to have that small ecliptic building that you and I like, the six story structure, the four story structure, and that's OK, it's just that I can't support you and the rationale, I just don't believe in the methodology that we are moving forward on this application like that.

Mayor Slesnick: Anybody else?

Commissioner Cabrera: I'd like to comment; I mean Mr. Kerdyk certainly is the – I may be the leaf blower expert; he is the real estate expert, and self-proclaimed leaf blower expert, incidentally. Bill I understand where you are coming from on this issue of spot zoning, but in all due respect to your vast knowledge of that area, I can't remember the last time we didn't go through, I mean, that whole area has been spot zoned since the beginning of time. I don't remember a comprehensive review of that area from the standpoint of saying, well let's determine that these particular perimeters or limits should be in this fashion, and really I'm not looking for an argument or to try to argue with you. So, I think what we are doing is pretty much standard operating procedure and precedents have been set. If you wanted to look at it in a more comprehensive manner, you know, these days when it's so difficult to develop property, as you well know, I think we would be putting obstacles in front of new potential applicants.

Vice Mayor Kerdyk: There have been previous studies in that area...

Commissioner Cabrera: Prior to me though, right?

Vice Mayor Kerdyk: Prior to both of us....

Commissioner Cabrera: OK. I wasn't sure, I wasn't sure.

Vice Mayor Kerdyk: When they made the land use plan they came up with a study, and what the study said was they wanted to put the focal point of larger buildings on the larger streets, which make sense.

Commissioner Cabrera: I remember that conceptually.

Vice Mayor Kerdyk: Alhambra Circle, LeJeune Road, right Publix is zoned that because it fronts LeJeune Road. Ponce de Leon is another one where they, the committee, the study that they did conceptually wanted the larger developments on their streets. So the smaller developments, the 8 story structures were in the back streets, so to speak, the Andalusia's, the Almeria's, the Aragon's, whatever those streets were there; and again, this was a plan that that committee had initiated...

Mayor Slesnick: Building and Zoning.

Vice Mayor Kerdyk: Building and Zoning I guess at that point, and I'm not saying that plan is correct, but that was the plan.

Commissioner Cabrera: But does it warrant that we take that plan and we review it, and see how it either can be modified...

Vice Mayor Kerdyk: Well that's what I said; I said we should look at all that, if that's our game plan.

Commissioner Cabrera: How many years ago, do you remember?

Mayor Slesnick: But wait, I'm the one that did it.

Commissioner Cabrera: What year was that?- were we working together?

Mayor Slesnick: In the 80's, no, the 80's I was on the Building and Zoning Board, and we did the first Master Plan, the first Comprehensive Plan, and we retooled the entire downtown, as Bill said, the entire downtown area to focus height on major streets, to bring it back off of Miracle Mile, and to not have canyons on the small streets. So, I mean, the plan that we are talking about is our Comprehensive Plan, and Mr. Riel of course, we need to be reminded of needs to bring it forward so we know what the Comprehensive Plan looks like, it should be a part of our discussions. It certainly is – you know, whether we pass this or not on First Reading, I think Mr. Manager, that we need to have a discussion next time on the Comprehensive Plan and maybe when we look at that we may want to revisit our last decision, who knows.

Commissioner Withers: Well there are certain blocks that haven't been touched yet as far as approving high-rise sites; we've already begun the change on that block, but the block that the

museum is on that is still on eight (8) story, and no one's penetrated that height yet, so maybe if we do go forward with this we put sanctuaries in the City that....

Mayor Slesnick: My fear about this is, and of course Doctor Rakofsky is someone I dearly treasure as a member of our community, and a fellow resident and a friend, but this is a small street where you are going to get a canyon if we actually do what we were talking about doing at the garage. I mean, if we go back to that vote, I was convinced to vote for giving higher limits for the garages so that we could work on a private-public partnership to develop the garages. There was a true public purpose in that further than just development, it was to gain the parking that we can otherwise maybe not afford, but I will tell you that I would much prefer rather than do a public-private project and build it up that height, I would much prefer to do another museum garage type structure at that place, fully parking, fully cities, I guess we always agree on the detail on the ground floor, but I would prefer to do another museum garage there as opposed to, of course it would be called the Rakofsky Garage, but not a museum garage, but the same type of structure. I don't know that we have the financial capacity to do that and that's why we wanted to give the option to the City Management team to be able to market the possibility of a public-private thing. That to me is a much greater public purpose than just up-zoning or taking it up in height. So this – and the reason I supported the last application was the size of the property as you heard was 1.6 or something...

Vice Mayor Kerdyk: 1.2.

Mayor Slesnick: 1.2 acres and it was a large piece of property which has never been very attractive, which has never been contributing to the city landscape. I understand Bill, and I appreciate, and I appreciate since the day I took part in the Building and Zoning with your Dad on the Commission, was the fact that we didn't want too much height, too much over development, but that particular lot is...but maybe I'm now bothered by that, so. I don't know.

Vice Mayor Kerdyk: I'm sorry, go ahead.

Commissioner Anderson: I was just thinking about...I have fully felt that streets and buildings should be proportional, the wider streets should carry it, but that ship sailed awhile back unfortunately, and actually the whole Merrick plan was proportional; you had Ponce, you had a taller structure on Ponce because it was wider and the smaller streets, but I'm just worried that we had a lot of buildings that are already that height.

Mayor Slesnick: But you'll remember this Commission, the five of us have debated on the Ponce development, how far back off Ponce can a tall building go?- and remember we brought them

down, well the big ones. We brought them down to meet their neighbors and so forth in the back...

Commissioner Anderson: Oh, yes, yes.

Mayor Slesnick:...they go back so far, then they had to come down to another height...

Commissioner Anderson: But I'm wondering...

Mayor Slesnick:...Those are residential neighbors.

Commissioner Anderson: Yes, those are residential neighbors; I'm trying to figure out what the feasibility of that in site constraints that we have.

Mayor Slesnick: No, that wouldn't work in this site.

Commissioner Anderson: No, I understand that; and with our own building, our own site that lot is so odd, it's so narrow that we had – having voted against it many years back, I saw that the opportunity that there was nobody that was interested, so we had to incentivize. I fully share what you have to say, but I just worry that it's gone.

Vice Mayor Kerdyk: Well maybe so, but the...

Commissioner Anderson: But I respect your principal stand on it.

Vice Mayor Kerdyk: And the Mayor makes a very good point. We control our three sites on Andalusia, when you grant the access of going sixteen (16) stories across the street, or sixteen (16) stories 2 blocks down, then you lose that control, the control is then with the owner, which again if that's what the will of the Commission is then so be it, but then if it goes 2 blocks south, then 2 blocks north, and we just need to change that whole thought process in the Central Business District; and it's a concern for me because we are doing it without a study, we haven't even done a mock-up. Commissioner Anderson, your Charrette or your thoughts in general, let's see modeling and see what it's going to project at, and see how that affects the overall landscaping of the downtown Central Business District, because I don't buy – I buy that, that is a quality of life issue for our businesses and maybe, again, maybe it's a good thing, but just like we pay such important attention to the residential community about the quality of life, I personally as a business owner or property owner and my neighbors, I want neighbors in the Central Business District, I want to have that same type of quality of life for them. So whatever

that may be, again, I'm sorry Doctor, I will not be supporting this and those are the reasons and rationale that I have to not support it. Thank you.

Commissioner Anderson: Fair enough.

Mayor Slesnick: Do we have a motion on this, Mr. Clerk?

City Clerk Foeman: No Mr. Mayor.

Commissioner Anderson: I'll second it.

Mayor Slesnick: Been moved by Mr. Withers, second by Ms. Anderson. In support of your comments Bill, and my regards, I'm going to support it on First Reading, but I've got – before we get to Second Reading on this, there's got to be a lot of answers; and I think that we need to take a look, and I think that the Master Plan needs to be circulated, the Comprehensive Plan for our downtown circulated, so that each of the Commission members can make a reasonable decision, seeing what they are looking at, and not just...

Commissioner Anderson: Fair enough.

Mayor Slesnick: Mr. Clerk.

Commissioner Cabrera: Yes

Vice Mayor Kerdyk: No

Commissioner Withers: Yes

Commissioner Anderson: Yes

Mayor Slesnick: Yes

(Vote: 4-1)

[End: 12:18:55 p.m.]