



**City of Coral Gables**  
**CITY COMMISSION MEETING**  
**September 9, 2008**

**ITEM TITLE:**

**Ordinances on First Reading and Proposed Resolution (Adoption of Resolution will occur at which time Second Reading occurs).** Consideration of **Application No. 02-07-455-P**, consisting of the following three (3) applications:

1. **Change of Land Use.** An Ordinance of the City Commission of Coral Gables approving a change of land use from "Commercial, Low-Rise Intensity" to "Commercial, High-Rise Intensity" for the proposed project referred to as the "2600 LeJeune Office Building", on the property legally described as Lots 25-32, Block 6, Biltmore Section (2524 LeJeune Road), Coral Gables, Florida; providing for a repealer provision, a savings clause, and a severability clause, and providing for an effective date.
2. **Change of Zoning.** An Ordinance of the City Commission of Coral Gables approving the change of zoning from "MFSA", Multi Family Special Area to "C", Commercial for the proposed project referred to as the "2600 LeJeune Office Building", on the property legally described as Lots 25-32, Block 6, Biltmore Section (2524 LeJeune Road), Coral Gables, Florida; providing for a repealer provision, a savings clause, and a severability clause, and providing for an effective date.

**Discussion Item.** Item 3, site plan review, is for discussion purposes only, and shall be considered for approval at the time items 1 and 2 are heard on Second Reading:

3. **Site Plan Review.** A Resolution of the City Commission of Coral Gables granting site plan approval for the proposed commercial project referred to as the "2600 LeJeune Office Building", and legally described as Lots 25-32, Block 6, Biltmore Section (2524 LeJeune Road), Coral Gables, Florida; as set forth in Application No. 02-07-455-P; subject to certain conditions, and providing an effective date.

**RECOMMENDATION OF THE PLANNING DEPARTMENT:**

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

1. Change of Land Use from "Commercial Use, Low-Rise Intensity" to "Commercial Use, High-Rise Intensity."
2. Site Plan to allow the proposed development of the property with a ten (10) story / 117' high commercial office building.

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

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 (see Exhibit B – Ordinance – Change in Zoning).

The Planning Department recommends passage of the Change in Zoning (Item 3) at this time to provide consistent land use and zoning designations for future development of the property. Second Reading of the change in zoning would then be scheduled for City Commission consideration on 10.14.08.

### *Alternative Recommendation*

The City Commission may determine on the basis of the facts of the application, testimony, and evidence received, that the applications are consistent with the Comprehensive Land Use Plan (CLUP). If the City Commission provides findings of facts in support of the applications, Staff has included recommended conditions of approval which address the CLUP inconsistencies in the attached staff report/draft resolution.

The following documents are attached:

Exhibit A – Ordinance -Change in Land Use

Exhibit B – Ordinance - Change in Zoning

Exhibit C – Resolution – Site Plan

Exhibit D - 08.13.08 Planning Department Staff Report

### **PLANNING AND ZONING BOARD RECOMMENDATION:**

The Local Planning Agency (LPA)/Planning and Zoning Board on 08.13.08 recommended the following recommendations:

1. A motion to deny the change of land use from “Commercial, Low-Rise Intensity” to “Commercial, High-Rise Intensity” failed by a 3–2 vote. A minimum of four (4) votes are necessary as a “majority vote” to pass a motion. Therefore the LPA/Board provided no recommendation with the 3-2 vote.
2. A motion to deny the Site Plan application failed by a 3–2 vote. A minimum of four (4) votes are necessary as a “majority vote” to pass a motion. Therefore the LPA/Board provided no recommendation with the 3-2 vote.
3. Approval of the change of zoning from “MFSA”, Multi Family Special Area to “C”, Commercial zoning designation (Vote: 4-1). This would bring the zoning in compliance with the current land use designation. The site plan is presented for discussion purposes at the 09.09.08 meeting. Upon passage of the change in land use and zoning, the site plan would be considered at second reading.

### **BRIEF HISTORY:**

The proposed change in commercial land use designation from “Commercial Use, Low-Rise Intensity” to “Commercial Use, High-Rise Intensity” and site plan review is requested to allow the proposed development of the property with a ten (10) story / 117’ high commercial office building.

#### *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).

As noted in Planning Staff's Recommendation, 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.

A detailed description of the proposed applications and background information is provided with the attached Staff Report and supplemental materials (see Exhibit D).

The following background documents are attached to supplement this request:

- E. 08.13.08 Excerpts of LPA/Planning and Zoning Board meeting minutes with attachments, including Staff's PowerPoint Presentation and Synopsis of Public Comments received.
- F. Planning Department PowerPoint presentation (to be presented at meeting).

#### **LEGISLATIVE ACTION:**

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

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

<b>Date</b>	<b>Board/Committee</b>	<b>Comments (if any)</b>
08.13.08	LPA / Planning and Zoning Board	A motion to deny failed on both the change of land use and site plan, so the LPA/Board provides no recommendation (Vote: 3-2), and approval of change of zoning (Vote: 4-1).

#### **PUBLIC NOTIFICATION(S):**

<b>Date</b>	<b>Forms of Notification</b>
07.30.08	Property owner Public Hearing Notification to all properties within 1000 feet.
07.31.08	Published ad giving Notice of Public Hearing.
09.05.08	Posted Staff report and supporting documents on City web page.

**APPROVED BY:**

Department Director	City Attorney (If Applicable)	City Manager
Eric Riel, Jr. Planning Director		

**EXHIBIT(S):**

- A. Ordinance – Change of Land Use.
- B. Ordinance – Change of Zoning.
- C. Resolution – Site Plan Review.
- D. 08.13.08 Planning Department Staff report with applicant’s submittal.
- E. 08.13.08 Excerpts of LPA/Planning and Zoning Board meeting minutes with attachments, including Staff’s PowerPoint presentation and Synopsis of Public Comments received.
- F. Planning Department PowerPoint presentation (to be presented at meeting).

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