



City of Coral Gables Planning and Zoning Staff Report

Applicant:	City of Coral Gables
Application:	<u>Zoning Code Text Amendments – Board of Architects Appeal</u>
Public Hearing:	Planning and Zoning Board
Date & Time:	January 10, 2024; 6:00 – 9:00 p.m.
Location:	City Commission Chambers, City Hall, 405 Biltmore Way, Coral Gables, Florida 33134

1. APPLICATION REQUEST

The City of Coral Gables is requesting review and consideration of the following:

An Ordinance of the City Commission amending Section 14-103.3. “Meeting; Panel Review; Full by Full Board; Conflict Resolution Meeting; Special Master Quasi-Judicial Hearing” in order to amend certain procedures related to the conflict resolution and Special Master Quasi-Judicial Process for appeals of decisions by the Board of Architects; providing for repealer provision, severability clause, codification, enforceability, and providing for an effective date.

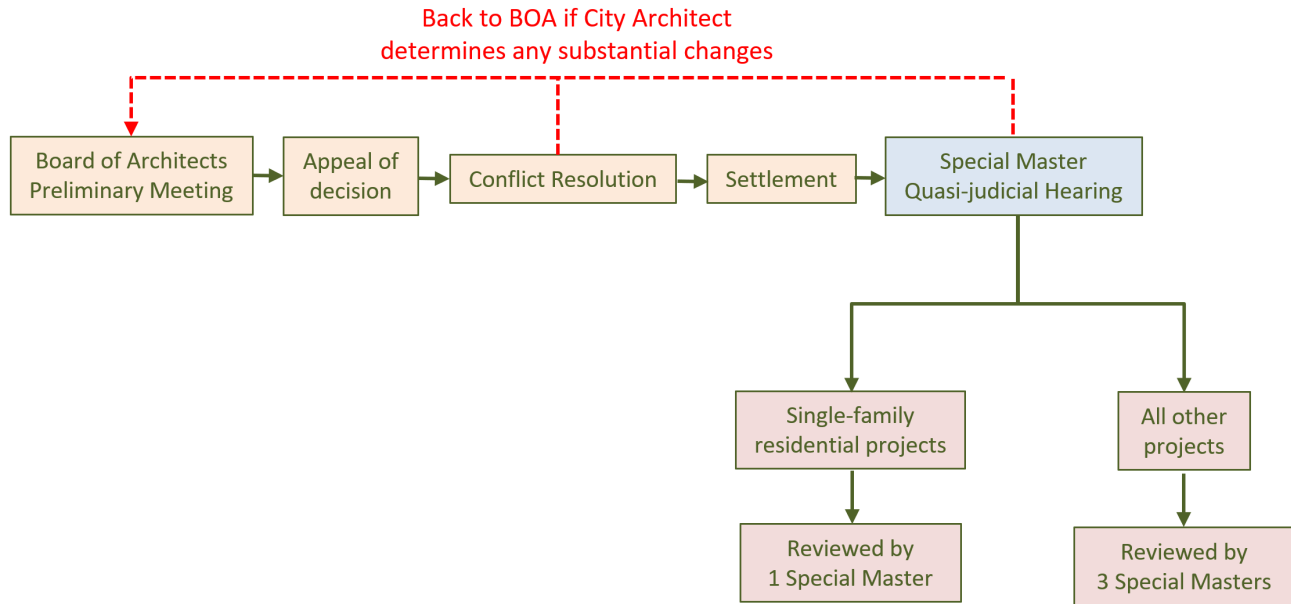
The request requires three public hearings, including review and recommendation by the Planning and Zoning Board, and 1st and 2nd Reading before the City Commission.

2. BACKGROUND INFORMATION

The Board of Architects (BOA) is responsible for determining whether development applications satisfy the Design Review Standards set forth in Article 5, Section 5-102 of the Zoning Code. These standards include adherence to design principles such as the compatibility of elements of color, materials, fenestration, and proportion, as well as an intrinsic sense of order in all aspects of design. When a proposed building does not meet this criteria, the BOA can deny the proposed design, at which point the applicant or aggrieved person may appeal the denial.

Section 14-103.3 of the Zoning Code provides the procedures for persons aggrieved by a decision of the Board of Architects. As requested by a Commissioner, Staff prepared a Zoning Code text amendment to refine some of the procedures related to the decision-making processes. The proposed Zoning Code text amendment clarifies that if the conflict resolution meeting results in a settlement, the settlement must proceed to a quasi-judicial public hearing. In addition, the proposed amendment also explains that single-family residences will be heard by one Special Master, while all other properties are heard by a panel of three Special Masters at a quasi-judicial public hearing. Lastly, the proposed amendment requires the Board of Architects to review any substantial changes to the design of a project made during the conflict resolution or Special Master hearing process.

The text amendment was approved at City Commission on December 12th, 2023 for first reading (vote: 5 to 0).



3. PROPOSED ZONING CODE TEXT AMENDMENTS

The proposed Zoning Code text amendments are provided below in ~~striketrough~~/underline format.

Article 14. PROCESS

Section 14-103.3. Meetings; Panel Review; Review Full by Full Board; Conflict Resolution Meeting; Special Master Quasi-Judicial Hearing.

- A. Meetings. The Board of Architects may meet at least once each week, and such other times as the Board may determine, for the consideration of the business before the Board. All meetings shall be open to the public and the order of business and procedure to be followed shall be as prescribed by the Board. Rules of Procedure of the Board shall be approved by a majority of all Board members present. The Secretary for the Board shall be responsible for setting the agenda of the Board prior to a meeting of the Board. If a matter is postponed due to lack of a quorum, the Chairperson or the Secretary of the Board may set a special meeting as soon as practicable to consider such matter. Meetings of the Panel or the full Board are not quasi-judicial in nature, unless related to an appeal.
- B. Panel Review. Any case brought before the Board may be heard by a panel of two (2) or three (3) members. A quorum of the full Board is not necessary to convene a Panel for official action. The approval of two (2) members on a two (2) or three (3) member Panel, signified by their signature on each set of plans and specifications required to be submitted with each application for a permit, shall be a prerequisite to the issuance of any permit required to be approved by the Board. The Board may review and recommend approval to another decision-making authority having jurisdiction or approve, approve with conditions or deny any application by use of a Panel.
- C. Review by full Board. At any time before the meeting or during the Panel review, the City Architect, a Board member or the applicant may determine that the Panel should be expanded to include all

Board members present, in which case all Board members present will serve as the Panel, with a majority vote of the expanded Panel required for any action. In the case of a tie vote, the Board shall deliberate and revote to see if the motion to approve or deny carries. If there is still a tie vote, the motion fails and the decision is treated as a denial for failure to obtain a majority affirmative vote.

- D. Conflict Resolution Meeting; Board of Architect Special Master Quasi-Judicial Hearing. In the event a person is aggrieved by a decision, a conflict resolution meeting shall be convened to address the aggrieved party’s concerns. Such meeting shall be held with the City Attorney or designee, and any other member of the City Staff that the Planning and Zoning Director deems appropriate. Any settlement that is reached shall then be presented to a Board of Architect Special Master as part of a quasi-judicial public hearing on the settlement. The qualifications of such Board of Architect Special Master shall be in accordance with Sec. 14-103.2. of the Zoning Code, and the appointment shall be for a two (2) year term by the City Manager, in consultation with the Board of Architects and approved by the City Commission. If the conflict resolution meeting does not result in a settlement, the Board of Architect Special Master ~~may~~ shall hear the appeal in a quasi-judicial public hearing. Hearings regarding a single-family residence shall be heard by one (1) Special Master. Hearings regarding all other properties shall be heard by a panel of three (3) Special Masters, which decision shall be by a majority of the Special Masters. The decision of the Special Master(s) on the settlement or the appeal shall be final unless appealed directly to the City Commission in accordance with Sec. 14-208.2. of the Zoning Code. If the design of a project should change substantially, as determined by the City Architect, during the Conflict Resolution or Special Master Hearing process, the Board of Architects shall be required to review the changes to the design.

4. REVIEW TIMELINE / PUBLIC NOTICE

City Review Timeline. The submitted application has undergone the following City meetings to solicit input and reviews:

MEETINGS, REVIEW COMMITTEES, AND BOARDS	DATE
City Commission – First Reading	12.12.23
Planning and Zoning Board	01.10.24
City Commission – Second Reading	TBD

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

PUBLIC NOTICE	DATE
Legal advertisement	12.28.23
Posted agenda and Staff report on City web page/City Hall	01.05.24

5. FINDINGS OF FACT

In accordance with Section 14-212.5 of the Zoning Code, the Planning and Zoning Board shall not recommend adoption of, and the City Commission shall not adopt, text amendments to the Zoning Code unless the text amendment:

Standard	Staff Evaluation
1. Promotes the public health, safety, and welfare.	The proposed amendment promotes public health, safety, and welfare as it clarifies the procedures set forth in Section 14-103.3 of the Zoning Code. The proposed amendment requires a quasi-judicial meeting when a settlement emerges from a conflict resolution, specifies the number of Special Masters based on the subject property, and requires the BOA to review any substantial changes to the design of projects. The amendment particularly promotes the welfare since it assures future development will conform to the Coral Gables distinctive character with respect to design and appearance. Therefore, the proposed amendment meets this standard because it strives to improve and provide effective review of architectural design.
2. Does not permit uses the Comprehensive Plan prohibits in the area affected by the text amendment.	The proposed text amendment does not permit uses the Comprehensive Plan prohibits in the City affected by the text amendment.
3. Does not allow densities or intensities in excess of the densities and intensities which are permitted by the future land use categories of the affected property.	The proposed text amendment does not impact densities or intensities.
4. Will not cause a decline in the level of service for public infrastructure which is the subject of a concurrency requirement to a level of service which is less than the minimum requirements of the Comprehensive Plan.	The proposed text amendment will not affect the level of service for public infrastructure. Each proposed development will be reviewed by Staff to meet the concurrency requirements.
5. Does not directly conflict with any objective or policy of the Comprehensive Plan.	The proposed amendment does not directly conflict with any goal, objective or policy of the Comprehensive Plan. The proposed amendment meets Objective FLU-1.11.1, Objective FLU-1.12, Policy FLU-1.12.1, Policy DES-1.1.2, and Objective GOV-1.2.

Staff comments: Staff finds that all five of these criteria are **satisfied**.

Consistency Evaluation of the Comprehensive Plan (CP) Goals, Objectives and Policies

The Planning and Zoning Division has reviewed the CP and finds the following CP Goals, Objectives and Policies are applicable. Consistent CP Goals & Objectives and Policies are as follows:

Ref. No.	CP Goal, Objective and Policy	Basis for Consistency
1.	Objective FLU-1.11.1 Maintain and enforce effective development and maintenance regulations through site plan review, code enforcement, and design review boards and committees.	Complies
2.	Objective FLU-1.12. The City shall enforce the recently adopted Zoning Code which maintains the high aesthetic community design standards.	Complies
3.	Policy FLU-1.12.1. Maintain and enforce effective development and maintenance regulations.	Complies
4.	Policy DES-1.1.2. Provide for rigorous design guidelines, standards, and review processes via the City’s Zoning Code that ensure high quality design of buildings and spaces.	Complies
5.	Objective GOV-1.2. Provide clearly defined procedures, standards, and expectation for development review.	Complies

Staff comments: The proposed text amendment to Section 14-103.3 fulfills the future land use, design, and government objectives and policies of the Comprehensive Plan listed above. The intent is to clarify areas of the section that are vague or unclear. By providing these codifications, the City is improving and enforcing effective review of all projects and ensuring they uphold high-quality design.

6. STAFF RECOMMENDATION

The Planning and Zoning Division recommends **approval**.

7. ATTACHMENTS

- A. Legal Advertisement.

Please visit the City’s webpage at www.coralgables.com to view all Application plans and materials, notices, applicable public comments, minutes, etc. The complete Application and all background information also is on file and available for examination during business hours at the Planning and Zoning Division, 427 Biltmore Way, Suite 201, Coral Gables, Florida 33134.

Respectfully submitted,



Jennifer Garcia, AICP, CNU-A
Planning Official
City of Coral Gables, Florida

An argument over ski masks ends with 3 men shot and an arrest, Miami cops say

BY OMAR RODRÍGUEZ ORTIZ AND DAVID J. NEAL
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A Wednesday shooting involving 31 shots fired and three men hit started as an argument over ski masks and a teenager boy, one of the shot men told Miami police.

That person's account is

the only one in the arrest report describing why Jesus Falu, 32, was charged with attempted murder, shooting a deadly missile and criminal mischief causing damage between \$200 and \$1,000.

The account of Falu, who was shot in the leg and allegedly waived his right to remain silent, is redacted. The third man

involved in the shooting near Northwest 12th Street and First Avenue in Over-town had been shot in the chest and was intubated, a tube in his trachea to make sure he gets oxygen, at Jackson Memorial Hospital's Ryder Trauma Center.

The report says when officers got to the area around 12:25 a.m., they found Falu under a black

Chevrolet Silverado pickup truck with his tan 9mm Sig Sauer handgun. The other two men, neither of whom is named, were nearby. One had put his black 9 mm Glock on top of a nearby car. Like Falu, he'd suffered a leg wound.

That's the man who spoke to police at the hospital and gave an account the report says is backed up by

videos from a nearby surveillance camera and city of Miami Real Time Crime Center video.

He told police he and his pal "like to wear ski masks just for fashion." They entered Arena Supermarket, 1201 NW First Pl., where Falu began criticizing them for wearing the ski masks in front of his 17-year-old son. The argu-

ment increased in intensity until Falu revealed his Sig Sauer. The two ski mask wearers left the store and began walking west on 12th Street, followed by Falu.

Falu, the report said, pulled out a gun and pointed it at the head of the unarmed ski mask wearer. The armed ski mask wearer pulled out his gun and the 9 mm bullets began flying.

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PEDRO PORTAL pportal@miamiherald.com

Veteran Kenneth Heller, 78, stands in front of his house in North Miami.

FROM PAGE 11A

WISH BOOK

the living room.

"ILLUSIONS OF GRANDEUR"

Heller prefers to talk about better days, like learning to water ski in Biscayne Bay after he first moved to Florida or taking Spanish classes in Mexico as a teenager. He graduated from the University of Florida and went on to law school at Samford University in Alabama.

By his own admission, Heller wasn't the most dedicated law student. Instead, he spent his time "fooling around" and "living the high life." He eventually dropped out and joined the Marine Corps in 1968 — at the height of the Vietnam War — in hopes of seeing the world.

"You've got to understand, I had illusions of grandeur," Heller said. "Besides, it was either join up or get drafted."

Heller never did go to Vietnam. He said he broke his elbow and a knee during training and was eventually discharged. He returned to Florida and went to work at a Zayre department store in Miami before eventually going back to law school in Alabama and graduating in 1975.

Heller moved around over the ensuing decade. He got married, had two children and got divorced.

He moved back to his North Miami home in 1987 to take care of his mother. A year later, in 1988, the law firm that he worked at was sold off, and he soon became his mother's full-time caregiver. She passed away in 1999.

HOLDING ONTO THE FAMILY HOME

It's been nearly 25 years since his mother passed away, and Heller is hoping to fix up his family home while dealing with a long list of health challenges. He struggles with hearing and vision deficits, as well as congestive heart failure. Getting around can also be difficult; Heller wears braces on both of his legs and uses a walker.

He has help from his friend Victoria Sanchez who stays with him at times. Sandi Dioli Kumm, who works for the North Miami Foundation for Senior Citizens' Services, stops by often. She said that Heller needs help paying to repair his roof and purchasing some small appliances, like a toaster oven.

"It's the family home. Everybody else has gone through two and three ownerships, but he's held onto it," said Kumm, who nominated Heller for Wish Book, a Miami Herald/eNuevo Herald program that raises money

from the community to help needy people identified by nonprofit agencies. "We're trying to work to rectify some of these issues that are just overwhelming for a man in his late 70s."

"He wants to stay in his home and we want to make sure he can do so safely," she said.

Heller said that he's been encouraged by some friends to sell the home, but insisted that he wants to stay put.

"I'm trying to hold onto this house," he said. "It's where I belong."

Max Greenwood:
 @KMaxGreenwood

How to help

To help this Wish Book nominee and the more than 100 other nominees who are in need this year:

To donate, use the coupon found in the newspaper or pay securely online through www.MiamiHerald.com/wishbook

For more information, call 305-376-2906 or email Wishbook@MiamiHerald.com

The most requested items are often laptops and tablets for school, furniture, and accessible vans

Read all Wish Book stories on www.MiamiHerald.com/wishbook

FROM PAGE 11A

SHARK FIN

before-and-after shots of the same injured shark.

"In the summer of 2022, 10 silky sharks were tagged with satellite tags for a separate study. Shortly after, a silky shark was spotted with its dorsal fin cut up — in the exact shape of where a satellite tag would be," Black wrote in a Dec. 14 Instagram post.

"We never expected to see the shark again. Fast forward to summer 2023 and sure enough this silky shark returned to Jupiter. He was spotted by (two photographers) who were able to capture multiple images for me of this newly healed dorsal fin."

Schellenberg and photographer John Moore both contributed their images to aid in the research, she said. The identity of the silky shark was confirmed with the help of a National Oceanic and Atmospheric Administration (NOAA) dart tag that was present before and after the fin regenerated, she said.

Silky sharks — named for their smooth-looking

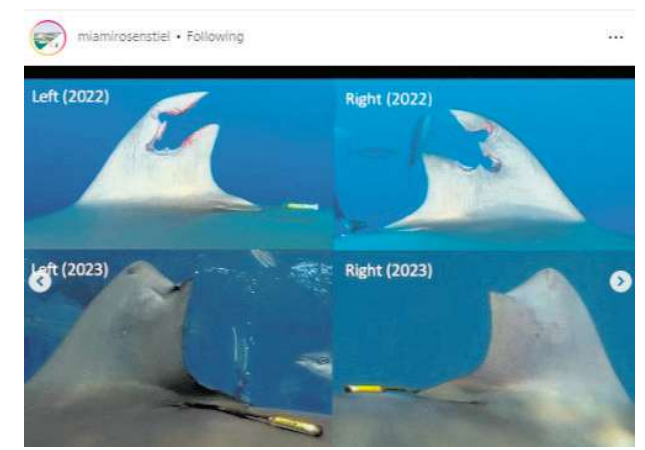
skin — are native to the Gulf of Mexico and Florida's Atlantic coast and can reach up to 10 feet in length, the Florida Museum of Natural History reports.

Their size makes silky sharks a potential threat to humans, but their "oceanic habits make contact with humans a relative rarity," the museum says. They prefer "the edges of continental shelves and over deepwater reefs," the museum notes.

"This newfound insight into tissue regeneration and wound healing underscores the importance of further research to understand how they respond to traumatic injury in the face of mounting environmental challenges," Black wrote.

"Additionally, this study exemplifies the power of collaboration between researchers and the public, including photographers and divers, to expand the scope of research studies and bridge the gap between science and society."

Mark Price: 704-358-5149,
 @markprice_obs



Instagram screenshot

A new study by a University of Miami PhD student reports a silky shark was able to regenerate much of its damaged dorsal fin.



City of Coral Gables, Florida Notice of Public Hearing HYBRID MEETING on Zoom platform

City Public Hearing Dates/Times	Local Planning Agency/Planning and Zoning Board Wednesday, January 10, 2024, 6:00 p.m.
Location	City Commission Chamber, City Hall 405 Biltmore Way, Coral Gables, FL 33134

PUBLIC NOTICE is hereby given that the City of Coral Gables, Florida, Local Planning Agency (LPA)/Planning and Zoning Board (PZB) will conduct Public Hearing on the following:

- 1 A Resolution of the City Commission of Coral Gables, Florida granting conditional use approval pursuant to Zoning Code Article 14, "Process," Section 14-203, "Conditional Uses" for a walk-up counter as an accessory use to Sanguich, a restaurant, on property legally described as Track A, Plaza Coral Gables, also generally known as 111 Palermo Ave, Suite 103, Coral Gables, Florida; including required conditions; providing for a repealer provision, severability clause, and an effective date.
- 2 Ordinance of the City Commission of Coral Gables, Florida providing for a text amendment to Appendix A "Site Specific Zoning Regulations," Section A-94 "Snapper Creek Lakes" of the City of Coral Gables Official Zoning Code to include all types of accessory uses in the rear yard ground coverage calculation, to remove outdated Section A-94-2, and to provide consistency with the Snapper Creek Lakes' protective covenants by increasing various setbacks; providing for severability, repealer, codification, and an effective date.
- 3 An Ordinance of the City Commission amending Article 9 "Art in Public Space" of the City Zoning Code in order to amend certain procedures related to the Art in Public Places waiver process and options; providing for a repealer provision, severability clause, codification, enforceability, and providing for an effective date.
- 4 An Ordinance of the City Commission amending Section 14-103.3 "Meeting; Panel Review; Full by Full Board; Conflict Resolution Meeting; Special Master Quasi-Judicial Hearing" in order to amend certain procedures related to the conflict resolution and Special Master Quasi-Judicial Process for appeals of decisions by the Board of Architects; providing for repealer provision, severability clause, codification, enforceability, and providing for an effective date.
- 5 An Ordinance of the City Commission providing for text amendments to Article 2, "Zoning Districts," Section 2-201, "Mixed Use 1, 2 and 3 (MX1, MX2 and MX3) Districts" and Article 3, "Uses," Section 3-209, "Live work minimum requirements," of the City of Coral Gables Official Zoning Code to allow a reduction of storefront transparency on frontages facing single-family and multi-family uses, providing for repealer provision, severability clause, codification, and providing for an effective date.
- 6 An Ordinance of the City Commission providing for text amendments to Article 15, "Notices," Section 15-102, "Notice," of the City of Coral Gables Official Zoning Code to amend requirement for the Applicants Required Public Information Meeting to occur prior to review by the Board of Architects, providing for repealer provision, severability clause, codification, and providing for an effective date.
- 7 An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code (Zoning Code), amending Article 10, "Parking and Access," Section 10-112 "Miscellaneous Parking Standards," creating provisions for considering reduction of parking requirements for affordable housing located near a major transit stop as required by the Live Local Act, Ch. 2023-17, Laws of Florida; providing for repealer provision, severability clause, codification, and providing for an effective date.

The Planning and Zoning Board will be holding its board meeting on Wednesday, January 10, 2024, commencing at 6:00 p.m. Pursuant to Resolution No. 2021-118, the City of Coral Gables has returned to traditional in-person meetings. However, the City Commission has established the ability for the public to virtually provide sworn testimony or public comments (non-sworn and without evidentiary value). Any individual who wishes to provide sworn testimony virtually must have their video on and must be sworn in.

Members of the public may join the meeting via Zoom at (<https://zoom.us/j/83788709513>). In addition, a dedicated phone line will be available so that any individual who does not wish (or is unable) to use Zoom may listen to and participate in the meeting by dialing: (305) 461-6769 Meeting ID: 837 8870 9513. The public may comment on an item using the City's E-Comment function which may be found on the City's website at: (<https://coralgables.granicusideas.com/meetings>) once the meeting's agenda is published, or by sending an email to planning@coralgables.com prior to the meeting.

The meeting will also be broadcasted live for members of the public to view on the City's website (www.coralgables.com/cgvt) as well as Channel 77 on Comcast.

Wish Book

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For more than 40 years, the Miami Herald Holiday Wish Book profiles some of South Florida's neediest individuals and families, as nominated by their social services case workers — children, the elderly, the hungry and the ailing.

Once all eligible nominees' wishes have been fulfilled, Herald Charities Inc. may use funds for other charitable purposes.

Over the years, Miami Herald readers have responded generously, helping more than 50,000 people in our community with their most pressing concerns. You can help too, by granting a special wish and making the holidays brighter for someone in need.