



**City of Coral Gables
CITY COMMISSION MEETING
September 11, 2014**

AGENDA ITEM NO. _____

ITEM TITLE:

Ordinances on Second Reading. Review of a Planned Area Development (PAD) and Change of Zoning.

1. An Ordinance of the City Commission of Coral Gables, Florida requesting review of a Planned Area Development (PAD) pursuant to Zoning Code Article 3, "Development Review", Division 5, "Planned Area Development (PAD)", for the proposed project referred to as the "Gables Pointe Plaza" on the property legally described as Lots 7-27, Block 1B, MacFarlane Homestead and St. Alban's Park Section (280 South Dixie Highway), Coral Gables, Florida; including required conditions; providing for severability, repealer and an effective date. (Legal description on file at the City)
2. 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 Commercial Limited District (CL) to Commercial District (C) for the property legally described as Lot 13 and Lots 17-23, Block 1B, MacFarlane Homestead and St. Alban's Park Section (280 South Dixie Highway), Coral Gables, Florida; and providing for severability, repealer and an effective date. (Legal description on file at the City)

DEPARTMENT HEAD RECOMMENDATION:

Approval.

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board at their 05.14.14 meeting recommended approval (vote: 6-0) of both ordinances.

BRIEF HISTORY:

The City Commission at their 08.26.14 meeting approved the Planned Area Development (vote: 5-0) with the conditions of approval recommended by the Planning and Zoning Board and the change of land use (vote: 5-0) on first reading.

At their 05.14.14 meeting, the Planning and Zoning Board (P&Z) recommended approval of the Planned Area Development (PAD), with conditions, and change of zoning (vote: 6-0). The draft Ordinances are provided as Exhibits A and B.

The Planning and Zoning Board recommended the following conditions of approval in addition to those recommended in the Staff report:

1. The proposed uses comply with the City's Noise Ordinance, which is regulated in Article V of Chapter 34 of the Coral Gables Code of Ordinances. Note: Since the Noise Ordinance is applicable City-wide, a specific condition is not necessary.
2. No overflow parking intrusion into the residential neighborhood.

3. Restaurant operation hours: Sunday through Thursday 11 a.m. to midnight. Note: Applicant is requesting 9 a.m. to 1 a.m. the following day; Friday and Saturday 11:00 a.m. to 2 a.m. the following day. Note: Applicant is requesting 9 a.m. opening time. Outdoor dining closes at midnight.

This property is located on the northeast corner of U.S. 1 and Grand Avenue, and is approximately 1.3 acres in size. George W. Carver School is located across Grand Avenue to the south, and the MacFarlane Homestead Historic District and residential community is located to the north and east. An existing linear park/open space is located along U.S. 1 on the west side of the property. The area of the linear park/open space is owned by the Applicant, but the improvements, including landscaping, sidewalk and perimeter masonry wall were constructed and are maintained by the City. During the review, staff suggests that a portion of the low wall be removed and increased landscape be provided within the linear park/open space to accent the Dixie Highway restaurant entryway and frontage, which have been incorporated in the design.

The proposed project, referred to as “Gables Pointe Plaza”, consists of two (2) separate one (1) story buildings proposed to be built in two (2) phases. Phase one (1) constitutes the community center facility and office space located on the east side of the property, and phase two (2) a proposed restaurant located on the west side of the property adjacent to U.S. 1. The proposed restaurant includes a bar and an outdoor dining area which faces south onto Grand Avenue. A surface parking lot is located generally in the center of the site and separates the two (2) buildings, with corresponding parking spaces provided to support each phase. The site plan reflects the shortage of two (2) parking spaces as a result of the Board of Architects’ suggested request to reposition the dumpster area for architectural consideration. This was deemed acceptable by the City Attorney since the shortage was due to the Board’s request to improve the architecture. The tenant of the restaurant has not been determined at this time, and any subsequent changes to the site plan and elevations will require a change to the PAD pursuant to the Zoning Code requirements. The increased landscape within the linear park will be installed as part of phase two (2).

Change of land use, rezoning and site plan approvals were previously granted for this property in 2005 and 2008 for a project referred to as the “Bahamian Village”. The current plan approved in 2008 consists of a two (2) story commercial office building and surface parking lot. Since a new site plan is now being proposed with a different site configuration and building program, the previously approved site plan would no longer be valid if the new site plan is approved.

The entire property is currently zoned Commercial Limited (CL), except for the linear park/open space along U.S. 1, which is zoned Special Use (S). The Zoning Code only permits one (1) building per building site, and only allows nighttime uses as a conditional use on property zoned Commercial Limited (CL) that is located within 150’ of a residentially zoned district. The Applicant is requesting a PAD site plan review, which allows for two (2) buildings on one (1) building site. The Applicant is also requesting a change of zoning from the existing Commercial Limited (CL) designation to Commercial (C) for the portion of property on which the restaurant is located, which would allow nighttime uses (defined as 8:00 p.m. to 6:00 a.m.) within 150’ of a residentially zoned district as a permitted use, not a conditional use. Also, nighttime requirements for a restaurant within a Commercial (C) zoned district are less restrictive than those required within a Commercial Limited (CL) zoned district. Outdoor decks, dining, drinking facilities and live music are prohibited as a nighttime use in a Commercial Limited (CL) zoned district, but not in a Commercial (C) zoned district.

The proposed ordinance pertaining to the PAD incorporates conditions recommended by staff and P&Z, including the applicant’s suggested changes to the restaurant hours. Staff has no objection to the applicant’s suggested restaurant hours since the outdoor dining activity will cease at midnight every day,

in an effort to respect the peaceful enjoyment of the adjacent residential neighborhood. The applicant had requested, with P&Z's concurrence, the required six (6) foot high hedge be allowed to be four (4) feet in height so that the development does not seem walled off from the neighborhood.

LEGISLATIVE ACTION:

Date:	Resolution/Ordinance No.	Comments
08.26.14	Ordinances	Approved the Planned Area Development (vote: 5-0) with conditions and change of zoning (vote: 5-0) on first reading.

OTHER ADVISORY BOARD/COMMITTEE RECOMMENDATION(S):

Date	Board/Committee	Comments (if any)
05.14.14	Planning and Zoning Board	Recommended approval (vote: 6-0).

PUBLIC NOTIFICATION(S):

Date	Form of Notification
05.02.14	Courtesy notification mailed to all property owners within 1,000 feet of the boundary of the subject property.
05.02.14	Posted property.
05.02.14	Legal advertisement.
05.09.14	Posted agenda at City Hall.
05.09.14	Posted agenda, staff report, legal notice and all attachments on City web page.
08.15.14	Legal advertisement with map.
08.29.14	Advertisement of Ordinance headings.
08.29.14	Legal advertisement with map.

APPROVED BY:

Department Director	City Attorney (If Applicable)	City Manager

EXHIBIT(S):

- A. Draft Ordinance - Planned Area Development (PAD).
- B. Draft Ordinance – change of zoning.