

City of Coral Gables City Commission Meeting
Agenda Item E-1 and E-3
February 25, 2025
Police and Fire Headquarters
2151 Salzedo Street, Coral Gables, FL

City Commission

Mayor Vince Lago
Vice Mayor Rhonda Anderson
Commissioner Melissa Castro
Commissioner Ariel Fernandez
Commissioner Kirk Menendez

City Staff

City Attorney, Cristina Suárez
City Manager, Alberto Parjus
City Clerk, Billy Urquia
Planning and Zoning Director, Jennifer Garcia

Public Speaker(s)

Agenda Item E-1 and E-3 [11:20 a.m.]

E-1: An Ordinance of the City Commission providing for text amendments to the City of Coral Gables Official Zoning Code by amending Article 14, “Process,” Section 14-212, “Zoning Code Text and Map Amendments,” and Section 14-213, “Comprehensive Plan Text and Map Amendments,” to create a conceptual review by the Planning & Zoning Board for applications proposing land use or zoning changes prior to the preliminary Board of Architects approval; and providing for a repealer provision, severability clause, codification, retroactivity, and providing for an effective date. (01 15 25 PZB recommended approval, Vote 5-2) (Sponsored by Vice Mayor Anderson)

E-3: A Resolution of the City Commission amending Ordinance No. 2015-17, as amended, to create a Planning and Zoning Board zoning conceptual review fee; providing for severability clause and providing for an effective date. (Sponsored by Vice Mayor Anderson)

Mayor Lago: I know we have a time certain for 11 a.m., I’d like to hear item E-1 very quickly, if possible.

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Agenda Items E-1 and E-3 are related – Ordinance providing for text amendments to the Official Zoning Code by amending Article 14, “Process,” Section 14-212

City Attorney Suarez: E-1 is an Ordinance of the City Commission providing for text amendments to the City of Coral Gables Official Zoning Code by amending Article 14, “Process,” Section 14-212, “Zoning Code Text and Map Amendments,” and Section 14-213, “Comprehensive Plan Text and Map Amendments,” to create a conceptual review by the Planning & Zoning Board for applications proposing land use or zoning changes prior to the preliminary Board of Architects approval; and providing for a repealer provision, severability clause, codification, retroactivity, and providing for an effective date. Mayor, this is also related to item E-3, which I’ll also read into the record. E-3 is a Resolution of the City Commission amending Ordinance No. 2015-17, as amended, to create a Planning and Zoning Board zoning conceptual review fee, providing for severability clause, and providing for an effective date.

Mayor Lago: Madam Director, good morning.

Planning and Zoning Director Garcia: Good morning. Jennifer Garcia, Planning and Zoning Director. So, there has been no changes to the actual except to the ordinance. The only change to clarify is what this would apply to. So, apply to any application – sorry, let me go back, any application vested or approval by the Board of Architects fully vested in the current regulations to apply to those who are not vested yet.

Mayor Lago: Perfect. Quick question. Mr. Clerk, do we have any public comment.

City Clerk Urquia: Yes, Mr. Mayor.

Mayor Lago: Would you like to hear public comment as the sponsor or would you like to discuss it now.

Vice Mayor Anderson: I’d like to invite the public comment. I know they’ve been waiting for some time.

City Clerk Urquia: Denise Carballo.

Mayor Lago: Good morning.

Ms. Carballo: Good morning. I’m very happy that you put this to be voted, and I think that maintaining the City Beautiful beautiful can be possible through responsible development and amending the city code process is key to that. The conceptual review has to be passed first by the Planning and Zoning and if possible, we’ve had 3-D model, as I showed to the Planning and Zoning, the case of Gables Waterway, that would be extremely high and completely out of proportions with our city and our neighborhood, our small neighborhood and Planning and Zoning understood that which affects a lot of the process and if they go through all the Board of Architects meetings and all what they plan and look at the whistles and bells and have the Board of Architects decide on something that is not up to them to decide, and they are influenced by their peers and the camaraderie, the fellow colleagues which is not the way to go. They have to go first to Planning and Zoning, decide on the matter of the size and upzoning, and Planning and Zoning is the one

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that has to decide on that first, and then go to the Board of Architects. So, I ask you to vote in favor of that retroactively so that the project Gables Waterway pass through the Planning and Zoning first, and then go back to the Board of Architects. So, my request for you guys is to always have a 3-D model so that the Planning and Zoning can understand the consequences of approving an upzone. So, if you can compare how it can be by the law and how it would be with the upzoning through a 3-D model it would be great. And then I'll kindly ask you to put this retroactively so that we can address Gables Waterway that is not going to be a Biltmore, a new Biltmore. Its going to be awful to our neighborhood. Thank you for your time.

Mayor Lago: Thank you very much. Mr. Clerk.

City Clerk Urquia: That's it, Mr. Mayor.

Mayor Lago: Alright. Close the item. Madam Vice Mayor.

Vice Mayor Anderson: Before I proceed, I have a question for our City Attorney regarding the retroactive request, which I take as meaning for projects that have already been vested or by the number.

City Attorney Suarez: No. No. As drafted it would apply to projects that do not yet have their preliminary Board of Architects approval.

Vice Mayor Anderson: Okay. I understand the language as drafted, but that's not my question. Legally speaking, once a project that has its preliminary Board of Architects approval, okay, is this something that can be retroactively applied once something has a preliminary Board of Architects approval or because the process will require to go to Planning and Zoning anyway as a next step, what is your legal advice on this issue.

City Attorney Suarez: I think it would be prudent to keep with the vesting that we typically have in our zoning code, which is that that preliminary Board of Architects approval stage and I think that we would be open to it. I'm not saying it would be successful, we would defend it, but we'd be open to a challenge if we made it retroactive in a different fashion than that.

Vice Mayor Anderson: Okay. Well, before I delve into that and hear comments from my colleagues, I'd like to give you a little more historical perspective as to my efforts to have conceptual review included in the zoning code and I'm going to ask the Clerk to bring up the first item that I have provided you this morning. So that is going to be a photo of the very first time that I did a conceptual review with individuals in a pre-agenda meeting. How you doing with that photo.

City Clerk Urquia: I have it.

Vice Mayor Anderson: Can you bring it up, because I can talk while its up. And you'll see a photograph of individuals present at a pre-agenda meeting while the concept or the idea of trying to deal with a vexing problem that we have in our Central Business District and that is the pre-

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existing zoning that we have. We have – no, that’s not the first one, there’s the first one. And that was that meeting in which individuals of the public were asked a question, how do we deal with the unlimited density in our Central Business District. Our Central Business District, for some of you who are not familiar, ranges basically from Almeria, I know our Planning and Zoning, you’ll correct me where I’m incorrect, all the way down to Navarre, okay, and it runs from Douglas Road to LeJeune Road and at LeJeune, the first 100 feet maximum height is 45 feet, and then it steps up progressively to 190.5. So the question for the public at that time and this was happen to be members of the Board of CGNA, Coral Gables Neighbors Association, as well as other members of the public that were present is, what choice can we make and are you interested in reducing the density in the downtown area in exchange for the request that the developer had to add 17 ½ more feet of height, to a particular section of the building. So, I’m going to ask you to bring up the second photograph that shows how the discussion evolved. You have a building that’s zoned for 190.5 feet that can be built that way without us taking any action at all. Mediterranean Bonus qualifies for that kind of height. The question was, do you add an additional 17 ½ feet for reduction in density of over 50 percent? 300 units per acre is a tremendous amount of density, creates a tremendous amount of traffic in our surrounding communities. The choice at that time was that decreasing density was a bigger priority than worrying about essentially three of me standing on top of each other. We also were impressed with the request, or I should say the willingness of the developer to purchase additional green space, over and above what the code allowed. That’s 10,000 square foot park in our Central Business District where the code does not require or mandate that this type of green space be provided and you can see from the pattern that this Commission has followed, additional green space has been a critical piece, if its properly placed. You’ve got 20,000 square feet going to be added behind Publix, you have 10,000 square feet here, you have an additional 5,000 square feet down on Salzedo, so that you have a daisy chain of green space available for the problem, to resolve some of this problem of lack of green space and too much density. An opposite problem exists in other areas of our city where there’s zoning changes being requested that upzone an area that’s either single-family, multi-family, and request for zoning for mixed-use. I’ve encountered this a number of times as a resident and on boards, and again now as a Commissioner, and it’s a difficult situation for both the residents and developers to go through this lengthy process, spend a lot of money, and a lot of time on both sides to get to the point where you’re at the Planning and Zoning Board and the Planning and Zoning Board disagrees with that zoning designation that they are requesting and you have to start all over again before the Board of Architects. It happened in my neighborhood with the Villa Valencia Project, another area that’s zoned for 150-foot-tall buildings, it was a very dense building that was originally proposed, and it was lot line to lot line. The residents got together and opposed that type of density being added to our area, and we got a nice green space added to create a buffer from the height of the building to the single-family neighborhood area. That process also happened with Mr. Allen Morris for his building off of Ponce Circle. He went through a denial process, a complete denial before the Planning and Zoning Board, came before the Commission about three years ago, if I remember correctly, and he got a 5-0 denial. It was a painful lesson that this process of conceptual review is good for both the residents who had to spend a tremendous amount of time fighting the height and density of the project that was proposed, and it was also beneficial for the developer himself. Mr. Morris said he learned a very valuable lesson there, that this process works. He reached out to me after the 5-0 denial before the board and said, who do I need to meet with in the community to be

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able to hear from them what they want, and this is what this conceptual review process will bring into a more formal process, as opposed to the informal way that I had done it with Codina's Building, as well as in the industrial district where those residents also made a deliberate choice that they wanted the green space in exchange for a little more height, and the amount of green space that was given and the amount of development rights that were given up, there was a reduction in the amount of development rights for that developer because they didn't get the total amount of FAR that they could have built nor did the Codina Project get the total amount of FAR that could have been built in that area, as-of-right with the 190.5 feet. So there are good things that we can do with this conceptual review process and I think make it a lot easier on residents going forward to address these difficult choices that we have on this Commission on whether or not something should be go from a special use to multi-family or single-family or MX development and allow the commentary to come before the Board of Architects considers the drawings, before there's a tremendous investment in the architecture, and so its not essentially what often is referred to as baked before it arrives to Planning and Zoning where some people may think that its such a sacrifice for this architecture to be given up and have to start all over again. I've been through it multiple times; Villa Valencia had to completely scrap their plans and start over again. Its an unnecessary waste of resources and time for our community, our residents, as well as the people investing in our city to build good projects. So, with that, I'd like to move this forward, but I'd also like to hear the commentary from my colleagues. I'll make a motion and if someone wants to second it, we can do that and have additional discussion.

Commissioner Castro: I'll second it.

Commissioner Menendez: I just want to add through the Mayor. I brought it up the first reading and I just want to make it clear again that, if I'm mistaken please correct me, that the conceptual review if the Planning and Zoning Board does a conceptual review and five months later that same applicant comes back to the Planning and Zoning Board and the Planning and Zoning Board at that point in time adds something to what they are requiring or what they want to see, that the conceptual review is advisory, but not necessarily binding, because I don't want confusion, not only by applicants, but confusion by residents saying, well, in the conceptual review they said A, B, and C, now they are doing D, E, and F, and I want to avoid, I want it very clear so that they know its non-binding.

Planning and Zoning Director Garcia: Correct. The conceptual review by BOA, Board of Architects, by the Planning and Zoning Board will be non-binding. They'll be a list of comments addressed either just concerns or comments on how to incorporate some different features and to the proposed change of land use and zoning and that will be used for them, so they can use that feedback and easy to incorporate or they can incorporate it into the design.

Commissioner Menendez: Thank you for clearing that.

Commissioner Fernandez: I think anytime that we have more resident input or more opportunity for residents to be engaged is welcome. I would disagree. I think the project that was presented would not have made it past the conceptual review. I think residents were kind of blindsided and

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that's what I've been hearing over the last couple of years by that project, and as its gone up, they've had more concern by the height, but again, it presents an opportunity for residents to chime in earlier in the process and it also presents an opportunity for the developers, like you were saying, like the Allen Morris Project, to come up with a better product at the end which will not only be accepted by residents but will also enhance the quality of what we have in the city. I'll be happy to support it.

Vice Mayor Anderson: Through the Mayor, just a couple points. Regarding the non-binding nature of it. I went through this process in my first year in office about having a binding versus non-binding recommendation from the Planning and Zoning Board and the problem with doing a binding type of item is that indeed it becomes an as-of-right project.

City Attorney Suarez: To be clear, the Planning and Zoning Board is always a recommending board. So ultimately the City Commission makes the determination as to whether to approve a land use or a zoning change, but yes, Vice Mayor, as drafted and as proposed, this would be non-binding so it's just feedback. There's not even any formal position taken, its just a non-binding feedback.

Vice Mayor Anderson: Okay. And with regard to the comments on the Codina Building, indeed there was full input and full agreement by individuals at that conceptual review process. We can look at things after the fact, but the actual height increase over what the code allows is only 15 feet, and if you look at the drawing itself, it provides you two columns on there, and I'll just reiterate it for you, so you understand that the minimus difference but the substantial benefit that was brought for residents. The actual building was only 15 feet taller, okay. What it could have been was 190 feet. So, 15 feet was the only difference. The decrease in density is actually 56 percent. Its not an easy process for people to make a decision, but at the time when folks sat and understood the presentation and having over 50 percent reduction in density in our Central Business District, the choice was clear, and it was simple that that's what they wanted, plus now you take off-line completely an additional 10,000 square feet that also could have been adding additional density to our Central Business District and that was 10,000 square feet. This was used as an example to show an early process of conceptual review, nothing had been put down on paper yet. It was a conversation with residents that we have two choices to make, and I ask you what choice do you want. Allow the developer to build a 300-unit building with zero additional green space, or you need to make the choice, you the residents need to make the choice, if you would prefer what's now 15 feet in height, the actual number of units is only 130, as opposed to 300, they could have been put in the same space. If you would make a different choice today, you need to come out, you need to participate in these conceptual review processes, you need to think hard and long about it. It's a very different question when you are in a residential area where someone's asking for an upzoning of single-family lots or multi-family lots to something that's more commercial and much taller. Each place, each location is a different question, and it has to have a different analysis and involvement of the public and I want the public involved in each and every one of these. One last thing to add on that. There're only two small postage stamps of locations that something like that could ever happen again, and it's the center in the middle of the doughnut of the Central Business District. It's not near LeJeune, it's not near Miracle Mile, its not near

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Douglas, its not near Ponce, its no where along the fringe, its only in the middle on that one spot for the value that people saw at that time and I think if you doubled the amount of traffic in the area with the 300 unit building, it will be appreciated in the future the choice that they made at the time to be able to appreciate later in the future. So, I just didn't want it to get distorted into something that it was not. Mayor, I think you are next.

Mayor Lago: So, we have a motion and a second. Mr. Clerk.

Commissioner Fernandez: Yes

Commissioner Menendez: Yes

Vice Mayor Anderson: Yes

Commissioner Castro: Yes

Mayor Lago: Yes
(Vote: 5-0)

City Attorney Suarez: Sorry, that was on E-1.

Mayor Lago: E-3 need a motion.

Vice Mayor Anderson: I'll move it.

Commissioner Fernandez: Second.

Commissioner Menendez: Yes

Vice Mayor Anderson: Yes

Commissioner Castro: Yes

Commissioner Fernandez: Yes

Mayor Lago: Yes

(Vote: 5-0)