



**City of Coral Gables
CITY COMMISSION MEETING
January 13, 2009**

ITEM TITLE:

An Ordinance of the City Commission of the City of Coral Gables approving the exchange of property located at the southwest corner of the intersection of Greco and Granello Avenues, Coral Gables, Florida, the legal description of which is set forth as follows: A portion of Tract "B" and Tract "C", replat of a portion of Block 16 of the revised plat of Coral Gables Industrial Section, according to the plat thereof, recorded in Plat Book 43, Page 50, of the public records of Miami-Dade County, Florida, more fully described as follows: Commencing at the southwest corner of said Tract "C"; thence north $50^{\circ}19'17''$ east, on the southerly line of said Tract "C" and north right-of-way line of said Granello Avenue, a distance of 87.91 feet to the point of beginning; thence north $39^{\circ}40'43''$ west, a distance of 136.86 feet; thence north $83^{\circ}21'37''$ east, on the northerly line of said Tract "B" and Tract "C" and south right-of-way line of said Greco Avenue, a distance of 183.59 feet to a point of curvature of a tangent curve concave to the southeast; thence southeasterly along said curve, to the right, having a central angle of $146^{\circ}57'40''$ and a radius of 20.00 feet for an arc distance of 51.30 feet to a point of tangency; thence south $50^{\circ}19'17''$ west, on the east line of said Tract "C", a distance of 143.00 feet to the point of beginning; said land containing approximately 13,564 square feet in exchange for the conveyance of City of Coral Gables Parking Lot 31 located at the southeast corner of Lejeune Road and Greco Avenue, Coral Gables, Florida, the legal description and folio number of which are set forth as follows: Folio no. 03-4120-017-2240. Lots 8, 9, 10, 11, and 12, Block 16 of revised plat of Coral Gables Industrial Section, according to the plat thereof, as recorded in Plat Book 28, at Page 22 of the public records of Miami-Dade County, Florida; said land containing approximately 13,551 square feet; further providing for a waiver of certain provisions of Article VIII of the Coral Gables City Code by a 4/5 vote in accordance with City Code Section 2-2011 including the requirement of an advertised public bidding process; providing for a repealer provision, a savings clause, and a severability clause, and providing for an effective date.

RECOMMENDATION OF THE CITY MANAGER:

The City Manager recommends approval of the land exchange, subject to the following conditions that should form part of the minimum requirements in consideration of the exchange:

Park Land:

- That the Developer/Owner pay for the programming and design of the park;
- That said programming and design be established and managed by the City;
- That said design clearly distinguishes the public park from the proposed development;
- That the Developer/Owner pay for the construction of the park as programmed and designed by the City, and that the configuration of Granello and Greco to expand the park be incorporated in the design;

Recommendation of the City Manager (Continued)

- That the park be maintained by the Developer, as established and set forth by the City. This requirement will be executed through a legal document (i.e. covenant) to insure compliance;

Parking:

- That the proposed parking garage incorporate as a minimum thirty-four (34) public parking spaces and that the rate for public parking be consistent with City rates;
- That the developer construct, at their cost, and at the direction of the City, public parking west of LeJeune Road in the commercial area;

Other:

- That the Developer incorporate Greco Avenue into the Landscape Master Plan;
- That the Developer agrees to contribute \$100,000 towards the City's Affordable Housing Study.

The suggested conditions above are in addition to any and all regulatory requirements, as set forth in the plan review and permitting process of this development.

BRIEF HISTORY:

On January 8, 2008, the Coral Gables City Commission passed and adopted Resolution 2008-04 authorizing the City Manager to negotiate with DYL Merrick Park Development, LLC for the exchange of the City owned parking lot located at the southeast corner of LeJeune Road and Greco Avenue for an equivalent portion of the property located west of the intersection of Greco Avenue and Granello Avenue and to take all actions consistent with the Procurement Code.

DYL intends to build a mixed use project along LeJeune Road in the location of the existing parking lot. Upon approval of the land exchange, DYL will commit to the following (please see Letter of Intent dated January 5, 2009):

- Replacing the 34 surface parking spaces from Parking Lot 31 into the project's parking garage at a project cost of \$1,020,000 (\$30,000 per space)
- Contribution of \$225,000 worth of improvements to Greco/Granello intersection to allow for reconfiguration of intersection and expanded park area
- Perpetual maintenance of park – with a current estimated annual cost of \$180,000.
- Streetscape master plan improvements along Greco Avenue east of the proposed mixed use project to the Ponce traffic rotunda with an estimated cost of \$750,000.00. These streetscape master plan improvements are in addition to the streetscape improvements required by the MXD Overlay District. The MXD Overlay District streetscape improvements on the north side of Greco Avenue across from project (south side of Greco and north side of Granello are part of project) total \$450,000.00 which includes the paving of Greco Avenue and the north half of Granello Avenue.
- Contribution of \$100,000 for updating of Affordable Housing Study
- Construction of approximately 13 public metered parking spaces and related street curbing/drainage on the west side of LeJeune Road on Vilabella and Alminar Avenues for an estimated cost of \$325,000.00
- Construction of temporary parking along Greco Avenue that will result in double the number of available parking spaces at an estimated cost of \$10,000.00.

Brief History (Continued)

As per Ordinance 2008-27, the Coral Gables Procurement Code (Article VIII of the City Code), please see the attached minutes of the required board meetings and memos from the following department directors: Finance, Parking, Public Works, Planning, Historic Preservation, Parks and Recreation and Economic Development.

In addition, the Procurement Code, in particular, Section 2-2011 allows for the waiver of certain provisions of the Code by a super majority vote (4/5), which in this case, the requirement of an advertised public bidding process is being waived as directed by Resolution No. 2008-04, passed and adopted on January 8, 2008. Further, pursuant to Section 2-2019, entitled, Authority of the City Commission to purchase, sell or lease public property, if the City Commission were to approve this proposed transaction, a super majority vote (4/5) will be required as well.

BOARDS AND/OR COMMITTEES ACTIONS/RECOMMENDATIONS

Date	Board/Committee	Comments (if any)
08-07-08 & 09-11-08	Budget Advisory Board	The board reviewed the appraisals and other relevant financial data and recommended in favor of the land exchange.
07-02-08 & 09-03-08	Economic Development Board	The board adopted the following summary: <ol style="list-style-type: none">1. The land exchange is in keeping with City goals and objectives;2. There is a favorable economic impact to the City;3. There are alternatives available to the proposed disposition, but the proposed swap is the best alternative;4. That the Board recommends that continued negotiations take place regarding the loss of parking revenue and that lost revenue be replaced;5. The parking rates be set at City rates or other considerations versus an in-lieu-of parking program; and6. Based on these recommendations that the City Commission allow the City Manager to move forward with the land swap as proposed.

Board and/or Committees Actions/Recommendations (Continued)

Date	Board/Committee	Comments (if any)
07//09/08 & 08-20-08	Property Advisory Board	<p>The board adopted the following summary:</p> <ol style="list-style-type: none"> 1. Does the proposed use conform to the City's comprehensive plan and is it compatible with the surrounding neighborhood? The answer was yes. 2. Analyze the positive and negative impacts on adjacent property including, but not limited to, open space, traffic, access considerations, noise level, property values, improved development patterns and provision for necessary services including municipal utilities and other infrastructure systems and the needs and costs associated with the needed improvements. To the extent needed, traffic studies and other professional studies required shall be the responsibility of the proposed purchaser, developer, or lessee. The answer was yes. 3. Are the terms and conditions of the proposed purchase, sale, lease of City property or the proposed purchase or lease by the City of non-City property based on market terms and value? The answer was yes.
08-22-08	Parks and Recreation Advisory Board	<p>The board did not feel that they could comment on whether the proposed land exchange was equitable in terms of land values or other factors, but they did support the idea of a park if the swap was agreed to by the City</p>
07-24-08 & 08-28-08	Parking Advisory Board	<p>The board disagreed with the conclusion of the appraisals that assigned the same value per square foot to the two properties in the proposed exchange. . Lot 31 is highly desirable and developable site on a major roadway. In addition, inclusion of Lot 31 in the project dramatically increases the value of the project. In exchange the City receives a triangular lot that if designed properly may be usable as a public space but has limited development value. The board recommends that the City have an appraisal completed that specifically evaluates these factors.</p> <p>The board recommends that if the exchange is approved, the developer be required to pay, at a minimum, \$25,000 per space lost in Lot 31 (\$850,000 total). This fee should be paid into a trust fund dedicated to the development of addition parking supply within the public parking system.</p>

DEPARTMENT RECOMMENDATIONS

Date	Department	Recommendation
01-06-09	Finance	<p>The Finance Director's response is the following:</p> <p>The City property (Parking Lot 31) is exempt from property tax. The current DYL property at 300 Greco incurs annual property tax to the City of Coral Gables of \$27,341.00 based on the 2008 total assessed value of \$5,207,760 at a city millage rate of 5.250</p> <p>The City should receive a significant increase in recurring annual property tax revenue of \$605,325 from the estimated taxable value of \$115,300,000 on the proposed DYL mixed use project. In addition the City would receive additional property tax revenue from an increase in taxable value of property in the surrounding area. The City would also receive business tax revenue from the new retail businesses, restaurants, offices and many other revenues from building permit fees, impact fees, sanitary sewer fees, utility taxes and franchise fees.</p>
09-04-08	Parking	The Parking Director agrees with the recommendation of the Parking Advisory Board (see above)
01-06-09	Public Works	<p>The Public Works Director response is the following:</p> <ol style="list-style-type: none"> Does the proposed use conform to the City's comprehensive plan and is it compatible with the surrounding neighborhood? <p>The proposed use conforms with the MXD established for that area. It will provide a diversity of uses compatible with the surrounding neighborhood.</p>

Department Recommendations (Continued)

Date	Department	Recommendation
01-06-09	Public Works	<p>2. Analyze the positive or negative impacts on adjacent property including, but not limited to open space, traffic, access considerations, noise level, property values, improved development patterns and provision for necessary services including municipal utilities and other infrastructure systems and the needs and costs associated with the needed improvements. To the extent needed, traffic studies and other professional studies required shall be the responsibility of the proposed purchaser, developer, or lessee:</p> <p>The proposed project will have a positive impact on the surrounding properties. The proposed plaza and landscaping along the streets will provide shade and open space for the enjoyment of the residents. The traffic report submitted for the project is very comprehensive and shows that the project will not decrease the level of service of the streets surrounding the project.</p> <p>3. Are the terms and conditions of the proposed purchase, sale, lease of City property or the proposed purchase or lease by the City of non-City property based on market terms and values?</p> <p>The sizes of both properties are the same and are located in a very close proximity. The appraised value, as determined by both appraisers (one hired by the City and one hired by DYL) is equal. The developer is also offering to pay for the design and construction of a City park at the exchanged property at an estimated cost of \$1,035,000.00</p>

Department Recommendations (Continued)

Date	Department	Recommendation
07-08-08	Planning	<p>The Planning Director's response is the following:</p> <ol style="list-style-type: none"> Whether or not the proposed use is in keeping with the City's goals and objectives and conforms to the City's comprehensive plan. The Planning Department has reviewed the City's Comprehensive Land Use Plan (CLUP) pursuant to this criteria. Staff's review indicates that the proposed land exchange would promote the vision for the MXD South Industrial District, as expressed in the MXD goals, objectives, policies, and zoning regulations, including the promotion of mixed-uses, pedestrian-friendly design, and public open space. The impact on adjacent property, including the potential positive or negative impacts such as diminution of open space, increased traffic, noise level or enhanced property values, improved development patterns and provisions of necessary services. While the proposed land exchange would not alter the provision of necessary services or the level of potential development impacts to surrounding uses, it would shift those impacts from the corner of Greco Avenue and Granello Avenue to the corner of Greco Avenue and LeJeune Road. The proposal would improve the development pattern of the area by allowing for a more efficient design of the mixed-use project and increased open space in the heart of the MXD South Industrial District via a proposed public park. This would result in a more cohesive project, enhance the quality of pedestrian activity, and increase adjacent property values, all of which are "value added" to the proposed project. Determine as to whether or not the development is in keeping with the surrounding neighborhood, will block views or create other environmental intrusions, and evaluations of the design and aesthetic considerations of the project. The proposed land exchange would allow for a more cohesive and efficient design of a planned mixed-use project, and the enhancement of the District's open space needs via a pedestrian-friendly public park. It is thus in keeping with the vision for the MXD South Industrial District, as expressed in the MXD goals, objectives, policies, and zoning regulations, including the promotion of mixed-uses, pedestrian-friendly design, and public open space. Due to the small size of the City-owned parcel, if the existing parking lot were to be developed on its own, the resulting building would likely be smaller and less intense than if developed as part of a larger mixed-use project as proposed.

Department Recommendations (Continued)

Date	Department	Recommendation
07-17-08	Historical Resources	The Historic Preservation Officer reviewed the land exchange and determined that it is not applicable as it pertains to Historic Preservation
01-06-09	Parks and Recreation	<p>The Parks and Recreation Director recommends the following:</p> <ol style="list-style-type: none"> 1. The proper delineation of the park area: the park cannot be constructed to appear as an extension of the building and/or a plaza for the building. It must have separation from the building in the form of natural and constructed barriers and a definite break in either topography or elevation in order for the public to easily identify the area as a City park. 2. Signage: this requirement would be to ensure that the park only has a signage for the park name and the designation as a City park open to the public, and does not have any signage pertaining to the adjoining building project. 3. Park features: this park location and setting would be an ideal place for a park with an urban water feature. This feature would not be a passive fountain, but an active feature should be similar in type to water features in urban parks such as Charleston, South Carolina and Patrick Park Plaza in Phoenix. These would be water features that have an artistic aesthetic and also serve as wonderful interactive play activity for children. If this is something that is not possible, then the next possible option would be to have a pet friendly park or to have a green natural area with natural play components such as climbing boulders.
01-07-09	Economic Development	<p>The Development Director recommends the following:</p> <p>It is important that the park design be done independent of the adjacent development so it communicates and operates as a “stand alone” park and not a side plaza to the adjacent development. Additional concessions proffered by the adjacent developer in consideration of the land swap include construction of public parking west of LeJeune in the commercial section near Vilabella and Alminar (estimated at \$325,000) and construction of 34 excess public parking in the proposed development to help off-set the removal of city parking. Other considerations, such as the improvement of the intersection, contribution to an update of the affordable housing study, and streetscape master plan improvements may be more as a result of the proposed development and not the land swap itself. Because the existing parking lot is underutilized, the loss of parking is minimized, the value of the land swap is comparable, and the new land is viewed as a viable park location by Parks & Recreation Department and Board (provided certain designs and programs are envisioned), public benefit would be realized through the land swap.</p>

PUBLIC NOTIFICATION(S):

Date	Form of Notification
05-08-07	Miami Daily Business Review

APPROVED BY:

Assistant City Manager	City Attorney (If Applicable)	City Manager

ATTACHMENT(S):

1. Letter of Intent from Laura Russo, Esq. dated January 5, 2009
2. Land Exchange Proposal Package
3. Draft Ordinance
4. Resolution No. 2008-04 Authorizing the City Manager to negotiate with DYL Merrick Park Development, LLC for the exchange of the City owned parking lot located at the southeast corner of LeJeune Road and Greco Avenue for an equivalent portion of the property located west of the intersection of Greco Avenue and Granello Avenue and to take all actions consistent with the Procurement Code.
5. City Information:
 - Board Minutes
 - Budget and Audit Advisory Board Meetings of August 7, 2008 and September 11, 2008 Summary Minutes
 - Property Advisory Board Meeting of August 20, 2008 Summary Minutes
 - Economic Development Board Meetings of July 2, 2008 and September 3, 2008 Summary Minutes
 - Parks and Recreation Advisory Board Meeting of August 22, 2008 Summary Minutes
 - Parking Advisory Board Meeting of July 24, 2008 and August 28, 2008 Summary Minutes
 - Department Recommendations
 - Memo dated January 6, 2009 from Donald Nelson, Finance Director
 - Memo dated September 4, 2008 from Parking Advisory Board and Kevin Kinney, Parking Director
 - Memo dated January 6, 2009 from Alberto Delgado, Public Works Director
 - Memo dated July 8, 2008 from Eric Riel, Planning Director
 - Memo dated July 17, 2008 from Kara Kautz, Historic Preservation Officer
 - Memo dated January 6, 2009 from Fred Couceyro, Parks and Recreation Director
 - Memo dated January 7, 2009 from Cathy Swanson Rivenbark, Economic Development Director
6. Letter dated July 30, 2008 from Andrew Dolkart, President, Miami Economic Associates, Inc to Otto Boudet-Murias, DYL Merrick Park
7. Appraisal Report of sites located at SE corner of Greco Avenue and LeJeune Rd and SW corner of Greco Avenue and Granello Ave prepared for DYL Merrick Park
8. Letter dated April 1, 2008 from J. Mark Quinlivan, MAI to Catherine Swanson Rivenbark
9. Appraisal of the SE corner of LeJeune Road and Greco Avenue prepared for City of Coral Gables
10. Traffic Study