



**City of Coral Gables  
CITY COMMISSION MEETING  
August 24, 2010**

**AGENDA ITEM NO. \_\_\_\_\_**

**ITEM TITLE:**

**Ordinances on First Reading.** Consideration of Application No. 11-09-095-P, consisting of the following four (4) items:

1. **Change of Zoning.** An Ordinance of the City Commission of Coral Gables requesting a change of zoning from Single Family Residential (SFR) to Special Use (S) District for a 25.0 acre parcel located in the southwest corner of the property of the overall 82.5 acre parcel commonly referred to as "Fairchild Tropical Garden" (10901 Old Cutler Road), legally described as Fairchild Tropical Botanical Garden Section, including Tracts 9 and 10, Avocado Land Company Subdivision, Coral Gables, Florida; and providing for severability, repealer, codification, and an effective date. (see Exhibit A).
2. **Zoning Code Text Amendment.** An Ordinance of the City Commission of Coral Gables requesting an amendment to Zoning Code Article 4, Section 4-204, "Special Use (S) District", providing for and listing permitted uses within a botanical garden; and providing for severability, repealer, codification, and an effective date. (see Exhibit B).
3. **Master Site Plan.** An Ordinance of the City Commission of Coral Gables requesting an amendment to the Master Site Plan for the property commonly referred to as "Fairchild Tropical Garden" (10901 Old Cutler Road), for a 82.5 acre parcel legally described as all of Fairchild Tropical Botanical Garden Section, including Tracts 9 and 10, Avocado Land Company Subdivision, Coral Gables, Florida; and providing for severability, repealer, codification, and an effective date (see Exhibit C).
4. **Planned Area Development (PAD) Site Plan Review.** An Ordinance of the City Commission of Coral Gables requesting Planned Area Development (PAD) assignment and site plan review for the construction of additions to the "Science Village" buildings on the southwest corner of the property commonly referred to as "Fairchild Tropical Garden" (10901 Old Cutler Road), being an approximately 82.5 acre parcel legally described as all of Fairchild Tropical Botanical Garden Section, including Tracts 9 and 10, Avocado Land Company Subdivision, Coral Gables, Florida; and including required conditions; and providing for severability, repealer, codification, and an effective date (see Exhibit D). (Legal description(s) and mapping on file in the Planning Department).

**DEPARTMENT HEAD RECOMMENDATION:**

The Planning Department recommends approval of the four (4) applications referenced above to permit the construction of various additions to the "Science Village" buildings on the southwest corner of Fairchild Tropical Gardens.

**PLANNING AND ZONING BOARD RECOMMENDATION:**

The Planning and Zoning Board at their 07.14.10 meeting recommended unanimous (vote: 7-0) approval of all four (4) applications subject to the Planning Departments conditions of approval with two (2) additional conditions:

1. Speakers providing amplified music at all special events on the property shall be directed away from adjacent residential properties in order to minimize the impact on the surrounding residential community.
2. All special events on the property shall include the use of off-duty police officers.

## **BRIEF HISTORY:**

At the meeting, the applicant informed the Board that at the urging of Staff, the applicant conducted neighborhood meetings and met with specific parties to discuss various issues related to the proposed improvements. The end result of the outreach is a ratified "Covenant Running with the Land" between Fairchild Tropical Gardens and the adjacent Hammock Oaks Homeowner's Association that sets forth various limitations. In summary, the limitations provide the following:

1. Vehicle access is prohibited from Campana Avenue.
2. Access via Campana Avenue shall only be permitted for fire emergency vehicles.
3. No parking is permitted on Campana Avenue.
4. Pedestrian access for Hammock Oaks residents to Fairchild is accommodated from Campana Avenue.
5. Beautification to screen the proposed structures from specific properties on Campana Avenue is provided.
6. Installation of landscaping and repair of the existing coral rock wall on Campana Avenue.
7. No construction vehicles shall be permitted via Campana Avenue.
8. The science buildings shall not be expanded further to the east. All future structures shall be located a minimum of 250 feet from the rear property lines of the residencies located on Campana Avenue.
9. Rear windows of the science building shall be niche windows.
10. No increases in height or further reduction in setbacks is permitted.
11. Amplified sound from the Science building and Davis house is prohibited.

Please refer to the "Covenant" attached as Exhibit E for the detailed provisions.

Planning Staff would note that the above limitations are between private entities which is only enforceable between the private entities, however, Planning Staff's recommended conditions of approval mirror the covenants limitations. The conditions of approval provides for the following: requirement for the recordation of a restrictive covenant; limitations on future revisions to the PAD; required point of contact for Fairchild Gardens; no vehicle access from Campana Avenue; emergency vehicle access from Campana Avenue; limited pedestrian access from Campana Avenue; no outdoor events between the science buildings and residential structures; installation of additional landscaping and reconstruction of coral rock wall; no signage facing single family properties; no nighttime lighting; outdoor amplified music prohibitions; construction staging limitations, drainage requirements and special events permitting requirements. Please see the Planning Department staff report attached as Exhibit F for the detailed conditions.

The applicant agreed on the record to all of Planning Staff's conditions as well as the Board's additional conditions.

A detailed description of the proposal and background information is provided with the attached Staff report and supplemental materials, 07.14.10 Planning and Zoning Board meeting minutes and the written public comments submitted regarding the application are provided as exhibits F, G and H.

## **LEGISLATIVE ACTION:**

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

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

Date	Board/Committee	Comments (if any)
07.14.10	Planning and Zoning Board	Approval with conditions - (vote: 7-0)

**PUBLIC NOTIFICATION(S):**

Date	Form of Notification
06.18.10	Courtesy notification mailed to all property owners within 1,500 feet of the subject property. Typical notification is 1000 feet.
06.18.10	Posted property
07.01.10	Published Planning and Zoning Board Meeting Agenda in newspaper, City web page and City Hall
07.09.10	Posted Staff report and Exhibits on City web page
07.30.10	Memo to City Clerk requesting advertisement of Ordinance headings on 1st Reading.
08.20.10	Posted City Commission memo and all attachments on City web page.

**APPROVED BY:**

Department Director	City Attorney (If Applicable)	City Manager

**EXHIBIT(S):**

- A. Ordinance – Change of Zoning.
- B. Ordinance – Zoning Code text amendment.
- C. Ordinance – Master Site Plan.
- D. Ordinance – PAD Site Plan review
- E. “Covenant Running with the Land” between Fairchild Tropical Garden and the Hammock Oaks Homeowner’s Association.
- F. 07.14.10 Planning Department Staff report
- G. 07.14.10 Planning and Zoning Board meeting minutes with items entered into the record.
- H. Updated public comments.