



**City of Coral Gables
CITY COMMISSION MEETING
March 26, 2019**

ITEM TITLE:

An Appeal of a Board of Architects Settlement Agreement entered into by the City of Coral Gables and the Applicant as a result of a Conflict Resolution meeting on February 6, 2019 which approved revised plans (AB-18-04-3802) for the replacement of the entrance features at the main community entrance, located on Cartagena Plaza, and the addition of wing walls and updated signage on the existing pillars on the median and swales of Cocoplum Road, southeast of the intersection with Los Pinos Boulevard.

DEPARTMENT HEAD RECOMMENDATION:

No objections.

BRIEF HISTORY:

On January 22, 2013, the City Commission adopted Resolution No. 2013-06 approving encroachments at Cocoplum Road and Los Pinos Boulevard consisting of new stone signs replacing the existing wood signs within the public right-of-way.

On August 16, 2018, the Islands of Cocoplum Homeowners Association, Inc. (Cocoplum 2) submitted plans (AB-18-04-3802) to the Board of Architects (BOA) for modification of the stone pillars located in the City's right-of-way at the intersection of Cocoplum Road and Los Pinos Boulevard, approved in January of 2013. The BOA provided some general comments and deferred the item.

On January 10, 2019, a set of revised plans, that included the replacement of the existing entrance features in the City's right-of-way at Cartagena Circle, were presented to the BOA and resulted in denial by the board.

On January 18, 2019, Cocoplum 2 filed an appeal of the BOA denial and, in accordance with the City of Coral Gables Zoning Code and the Board of Architects Rules of Procedure, a conflict resolution meeting was held on February 6, 2019. At the conflict resolution meeting, City staff and the Applicant reached an agreement, which was memorialized in a Settlement Agreement, as attached, and approved by the BOA Special Master on February 11, 2019.

On February 19, 2019, Cocoplum Civic Association, Inc. (Cocoplum 1), as an affected party, filed an appeal objecting to the terms of the Settlement Agreement. In accordance with the Zoning Code and Rules of Procedure, this appeal is now before the City Commission.

On March 12, 2019, the City Commission adopted Resolution No. 2019-83 which authorized the encroachment request for new signage in the City's right-of-way, at the Cartagena Circle entrance consisting of two stone monuments – one reading "Cocoplum" and one reading "The Islands of Cocoplum." The resolution also re-approved the encroachment granted in Resolution No. 2013-06, **OR** in the alternative, a new encroachment consisting of a new monument sign, wing walls, and pavers at the base of the Cocoplum Road bridge at the intersection of Cocoplum Road and Vera

Court subject to requirements of the public works department.

Subsequent to the March 12, 2019 City Commission meeting, Cocoplum 2 voluntarily withdrew the new encroachment proposals abutting Cocoplum Road Bridge. Therefore, the only application before the City is the new signage in the City’s right-of-way at Cartagena Circle. Accordingly, the scope of this BOA appeal is limited to the design and aesthetics of the proposed plans for Cartagena Circle.

Procedurally it should be noted that according to Section 3-606(D) of the Zoning Code, a BOA appeal to the City Commission is to be based on the record, not de novo, and no additional testimony shall be taken. However, the rules do not contemplate the procedural scenario that bore out in this case and which resulted in Cocoplum 1 not having the opportunity to have a quasi-judicial de novo public hearing as part of the BOA appeal. For this reason and to ensure that due process is properly provided and that all parties have a full opportunity to be heard, the City Commission should hear the appeal as part of a quasi-judicial, de novo, hearing. Further, it should be noted that, pursuant to Section 2-301 of the Zoning Code, the BOA “is a design review administrative board created to ensure that the City’s architecture meets the design review standards of the Zoning Code, is consistent with the City’s regulations and to preserve the traditional aesthetic character of the community.” Accordingly, the scope of any BOA appeal and hearing is limited to the design review. (*see* CAO 2019-008)

ADVISORY BOARD/COMMITTEE RECOMMENDATION(S):

Date	Board/Committee	Comments (if any)
January 10, 2019	Board of Architects	Denied – decision appealed January 18, 2019
February 6, 2019	Conflict Resolution Meeting	Updated plans approved by Settlement Agreement
February 19, 2019	Appeal of Settlement Agreement	Pending appeal before City Commission

ATTACHMENT(S):

1. Resolution 2019-83
2. Settlement Agreement
3. Cocoplum 1’s Appeal
4. CAO 2019-008