



City of Coral Gables Planning and Zoning Staff Report

Applicant: City of Coral Gables
Application: **Zoning Code Text Amendment – Open Space Transfer of Development Rights**
Public Hearing: Planning and Zoning Board
Date & Time: **June 13, 2018; 6:00 – 9:00 p.m.**
Location: City Commission Chambers, City Hall,
405 Biltmore Way, Coral Gables, Florida 33134

1. APPLICATION REQUEST

The City of Coral Gables is requesting review and consideration of the following:

An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code, Article 3, "Development Review," Division 10, "Transfer of Development Rights," providing a procedure to transfer development rights in return for conveyance of open space to the City, providing for a repealer provision, providing for a severability clause, codification, and providing for an effective date.

2. BACKGROUND INFORMATION

As directed by the City Commission, Staff has prepared Zoning Code text amendments to establish provisions for open space to the City in return for transfer of development rights (TDRs).

3. PROPOSED ZONING CODE TEXT AMENDMENT

The proposed Zoning Code text amendment is provided below in ~~striketrough~~/underline format.

ARTICLE 3 – Development Review

Division 10. Transfer of Development Rights

Section 3-1002. Purpose and applicability.

The purpose of these provisions are to allow the transfer/sending of unused development rights of:

1. Local historic landmarks to other properties within the approved sending areas of the city to encourage historic preservation and to provide an economic incentive to property owners to designate, protect, enhance and preserve historic properties.
2. Parcels designated for open space conveyed to the City to encourage more open space in the city.

Section 3-1004. Transfer/sending of TDRs and issuance of a Certificate of TDRs.

- A. Transfer/sending of TDRs. The TDRs rights eligible to be transferred from the property calculated as follows: the difference between the existing gross floor area on the property and the maximum floor area permitted on the property by the applicable zoning district, including any available development bonuses.
- B. Transfer/sending of TDRs from a sending site. The Historic Preservation Officer shall have the authority to grant approval to transfer/send TDRs if all of the following are satisfied:
- a. The sending site has been designated as a local historic landmark or a contributing property within a local historic district pursuant to Article 3, Division 11.
 - b. The sending site is (i) located within the boundaries of the CBD and designated commercial zoning or (ii) located north of Navarre Avenue, east of LeJeune Road, west of Douglas Road, and south of SW 8th Street, is zoned Commercial or MF2.
 - a. The Development Services Department has calculated the unused development rights or TDRs eligible to be transferred from the property per Section 3-1004.A.
 - b. The property owner(s) have provided a maintenance/preservation plan prepared by a certified architect or engineer of the State of Florida, which sets forth a maintenance schedule and/or rehabilitation treatment if applicable for those architectural elements that contribute the historic integrity of the property or restoration of original features. Those features are identified by the "Review Guide," a section of the local designation report produced by the Historical Resources Department.
 - c. Inspection of the property may be completed by the Historic Resources Department to determine compliance with the above criteria.
 - d. Historic Preservation Board review and approval of the maintenance/preservation plan to determine compliance with Article 3, Division 11.
 - e. A property must not be subject to any Code Enforcement violations, City-imposed liens, unpaid fines, or overdue assessments or fees. The City Attorney, in consultation with City staff, may waive this requirement through a stipulation providing for correction of the Code Enforcement violation under appropriate conditions and settlement of the amounts due.

The approval to transfer/send shall be via the issuance of a Certificate of TDRs. The Historic Preservation Officer may recommend conditions of approval that are necessary to ensure compliance with the standards set out herein.

C. Transfer/sending of TDRs to create a city park. The Parks and Recreation Advisory Board shall have authority to grant approval to transfer/send TDRs if all of the following are satisfied:

1. Ownership of the sending site shall be transferred to the City of Coral Gables as part of the application to transfer development rights to the receiver site.
2. The Development Services Department has calculated the unused development rights or TDRs eligible to be transferred from the property per Section 3-1004.A.
3. The sending site is identified as a future city park as part of the acquisition of the subject property.

The approval to transfer/send shall be via Resolution. The Planning and Zoning Board and City Commission may recommend conditions of approval that are necessary to ensure compliance with the standards set out herein.

4. FINDINGS OF FACT

In accordance with Section 3-1405 of the Zoning Code, the Planning and Zoning Board shall not recommend adoption of, and the City Commission shall not adopt, text amendments to these land Zoning Code unless the text amendment:

- A. Promotes the public health, safety, and welfare.
- B. Does not permit uses the Comprehensive Plan prohibits in the area affected by the district boundary change or text amendment.
- C. Does not allow densities or intensities in excess of the densities and intensities which are permitted by the future land use categories of the affected property.
- D. Will not cause a decline in the level of service for public infrastructure which is the subject of a concurrency requirement to a level of service which is less the minimum requirements of the Comprehensive Plan.
- E. Does not directly conflict with an objective or policy of the Comprehensive Plan.

Staff finds that all five of these criteria are **satisfied**.

5. COMPREHENSIVE PLAN CONSISTENCY

In accordance with Section 3-1407 of the Zoning Code, the Planning and Zoning Board shall determine whether the Zoning Code text amendment is consistent with the Comprehensive Plan. Staff finds that the proposed text amendment **is consistent** with the Comprehensive Plan.

6. PUBLIC NOTIFICATION

The following has been completed to provide notice of the request:

Type	Date
Legal advertisement	06.01.18
Posted agenda on City web page/City Hall	06.01.18
Posted Staff report on City web page	06.08.18

7. STAFF RECOMMENDATION

The Planning and Zoning Division recommends approval.

8. ATTACHMENTS

A. 06.01.18 Legal advertisement published.

Please visit the City’s webpage at www.coralgables.com to view all Application plans and materials, notices, applicable public comments, minutes, etc. The complete Application and all background information also is on file and available for examination during business hours at the Planning and Zoning Division, 427 Biltmore Way, Suite 201, Coral Gables, Florida 33134.

Respectfully submitted,



Ramon Trias
 Assistant Director of Development Services
 for Planning and Zoning
 City of Coral Gables, Florida

MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday Sunday and
Legal Holidays
Miami, Miami-Dade County, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared JOHANA OLIVA, who on oath says that he or she is the LEGAL CLERK, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

NOTICE OF PUBLIC HEARING
CITY OF CORAL GABLES - LOCAL PLANNING AGENCY /
PLANNING AND ZONING BOARD - JUNE 13, 2018

in the XXXX Court,
was published in said newspaper in the issues of

06/01/2018

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami, in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

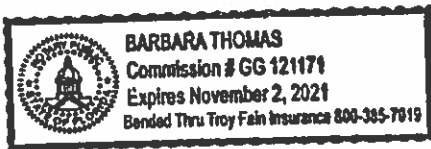
Johana Oliva

Sworn to and subscribed before me this
1 day of JUNE, A.D. 2018

Barbara Thomas

(SEAL)

JOHANA OLIVA personally known to me



**CITY OF CORAL GABLES, FLORIDA
NOTICE OF PUBLIC HEARING**

City Public Hearing Dates/Times Local Planning Agency / Planning and Zoning Board
Wednesday, June 13, 2018, 6:00 - 9:00 p.m.

Location City Commission Chambers, City Hall,
405 Biltmore Way, Coral Gables, Florida, 33134

PUBLIC NOTICE is hereby given that the City of Coral Gables, Florida, Local Planning Agency (LPA) Planning and Zoning Board (PZB) will conduct Public Hearings on the following:

1. An Ordinance of the City Commission of Coral Gables, Florida requesting an amendment to the Future Land Use Map of the City of Coral Gables Comprehensive Plan pursuant to Zoning Code Article 3, "Development Review," Division 15, "Comprehensive Plan Text and Map Amendments," and Small Scale amendment procedures (ss. 163.3187, Florida Statutes), from "Multi-Family Medium Density" Land Use to "Mixed Use" Land Use and extending the "North Ponce de Leon Boulevard Mixed-Use Overlay District" for the property legally described as Lots 5 to 12, Block 12, Douglas Section (100, 114, and 126 Calabria Avenue and 912 and 918 East Ponce de Leon Boulevard), Coral Gables, Florida; providing for a repealer provision, providing for a severability clause, and providing for an effective date. (LPA review)
2. 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 Multi-Family 2 District (MF2) to Commercial District (C) and extending the "North Ponce de Leon Boulevard Mixed- Use Overlay District" for the property legally described as Lots 5 to 12, Block 12, Douglas Section (100, 114, and 126 Calabria Avenue and 912 and 918 East Ponce de Leon Boulevard), Coral Gables, Florida; and providing for severability, repealer and an effective date.
3. An Ordinance of the City Commission of Coral Gables, Florida granting approval of a proposed Planned Area Development (PAD) approval referred to as "Regency on the Park" pursuant to Zoning Code Article 3, "Development Review," Division 5, "Planned Area Development (PAD)," for the construction of a project consisting of a mix of uses including office, live/work, and residential, on the property legally described as Lots 5 to 12, Block 12, Douglas Section (100, 114, and 126 Calabria Avenue and 912 and 918 East Ponce de Leon Boulevard), Coral Gables, Florida; including required conditions; providing for severability, repealer and an effective date.

4. A Resolution of the City Commission of Coral Gables, Florida requesting Mixed-Use Site Plan Review pursuant to Zoning Code Article 4, "Zoning Districts," Division 2, "Overlay and Special Purpose Districts," Section 4-201, "Mixed Use District (MXD)," for the proposed project referred to as "Regency on the Park" on the property legally described as Lots 5 to 12, Block 12, Douglas Section (100, 114, and 126 Calabria Avenue and 912 and 918 East Ponce de Leon Boulevard), Coral Gables, Florida; including required conditions; providing for a repealer provision, providing for a severability clause, and providing for an effective date.
5. An Ordinance of the City Commission of Coral Gables requesting vacation of a public alleyway pursuant to Zoning Code Article 3, Division 12, "Abandonment and Vacations" and City Code Chapter 62, Article 8, "Vacation, Abandonment and Closure of Streets, Easements and Alleys by Private Owners and the City; Application Process," providing for the vacation of the twenty (20) foot wide alley which is two-hundred and seventy (270) feet in length lying between Lots 38-48, 1-10 and a portion of Lot 11, and the dedication of substitute perpetual access and utility easement on Lot 38 in Block 20, Coral Gables Section "K" (2151 Seizedo Avenue), Coral Gables, Florida; providing for an effective date.
6. A Resolution of the City Commission of Coral Gables, Florida approving the Final Plat entitled "Plaza Coral Gables" pursuant to Zoning Code Article 3, Division 9, "Platting/Subdivision," being a re-plat of an approximately 6.731 acre property into seven (7) tracts of land on property assigned Commercial District (C) zoning, on the property legally described as all of blocks 20 and 30, and a portion of the platted alley lying within block 23, Coral Gables Crafts Section (2801, 2901, and 3001 Ponce de Leon Boulevard), Coral Gables, Florida; providing for an effective date.
7. A Resolution of the City Commission of Coral Gables approving the Final Plat entitled "Riviera Dauce" pursuant to Zoning Code Article 3, Division 9, "Platting/Subdivision," being a re-plat of an approximately 0.29 acre property on two (2) platted lots for residential, multi-family use on property assigned Multi-Family 1 Duplex Residential (MF1) zoning, on the property legally described as Lots 26 and 27, Block 93, Riviera Section Part 2 Revised (Riviera Drive and Menendez Avenue), Coral Gables, Florida; providing for an effective date.

8. An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code, Article 3, "Development Review," Division 10, "Transfer of Development Rights," providing a procedure to transfer development rights for open space, providing for a repealer provision, providing for a severability clause, codification, and providing for an effective date.
9. An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code, Article 3, "Development Review," Division 10, "Transfer of Development Rights," expanding the receiver sites for the use of transfer development rights to include Blocks 1, 2, 3, 4, 6, 7, 8, and 10 in the Biltmore Section, providing for a repealer provision, providing for a severability clause, codification, and providing for an effective date.

All interested parties are invited to attend and participate. Upon recommendation by the Board, the applications will be scheduled for City Commission consideration. Please visit the City webpage at www.coralgables.com to view information concerning the applications. The complete applications are on file and available for examination during business hours at the Planning and Zoning Division, 427 Biltmore Way, Suite 201, Coral Gables, Florida, 33134. Questions and written comments can be directed to the Planning and Zoning Division at planning@coralgables.com (FAX: 305.460.5327) or 305.460.5211.

Ramon Trias
 Director of Planning and Zoning
 Planning & Zoning Division
 City of Coral Gables, Florida

Any person, who acts as a lobbyist pursuant to the City of Coral Gables Ordinance No. 2006-11, as amended, must register with the City Clerk prior to engaging in lobbying activities before City Staff, Boards, Committees or City Commission. A copy of the Ordinance is available in the Office of the City Clerk, City Hall. If a person decides to appeal any decision made by a Board, Committee or City Commission with respect to any matter considered at a meeting or hearing, that person will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105). Any meeting may be opened and continued and, under certain circumstances, additional legal notice will not be provided. Any person requiring special accommodations in order to attend or participate in the meeting should contact the City's ADA Coordinator, Raquel Elejabarrieta (Email: relejabarrieta@coralgables.com), Telephone: 305-722-8686, TTY/TDD: 305-442-1800, at least three (3) working days prior to the meeting. All meetings are telecast live on Coral Gables TV Channel 77.