

**City of Coral Gables City Commission Meeting
Agenda Items F-3, F-4, F-5 and F-16 are related
August 28, 2018
City Commission Chambers
405 Biltmore Way, Coral Gables, FL**

City Commission

**Mayor Raul Valdes-Fauli
Vice Mayor Frank Quesada
Commissioner Pat Keon
Commissioner Vince Lago
Commissioner Michael Mena**

City Staff

**City Manager, Cathy Swanson-Rivenbark
City Attorney, Miriam Ramos
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Planning and Zoning Director, Ramon Trias**

Public Speaker(s)

George Navarro

Agenda Item F-3, F-4, F-5 and F-16 are related [3:22:37 p.m.]

F-3: An Ordinance of the City Commission of Coral Gables, Florida amending 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 Amendment,” and small scale amendment procedures (ss. 163.3187, Florida Statutes), from “Residential Multi-Family Medium Density” 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 14 (100, 114 and 126 Calabria Avenue and 912 and 918 East Ponce de Leon Boulevard), Coral Gables, Florida, providing for a repealer provision, severability clause, and providing for an effective date (LPA review) (06-13-18 PZB recommended approval with conditions. Vote: 5-0) (Change the Comprehensive Plan Map from Multi-Family Residential to Mixed-Use land use; and extend the existing Ponce de Leon Boulevard Mixed-Use District)

F-4: 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), including required conditions; providing for a repealer provision, severability clause and providing for an effective date. (06-13-18 PZB recommended approval, Vote 5-0) (Apply a Planned Area Development (PAD) for the proposed “Regency on the Park” project)

F-5: An Ordinance of the City Commission of Coral Gables, Florida amending the Zoning Map pursuant to Zoning Code Article 3, “Development Review,” Division 14, “Zoning Code Text and Map Amendments,” to extend the “North Ponce de Leon Boulevard Mixed-Use Overlay District” to include 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, severability clause and providing for an effective date (06-13-18 PZB recommended approval, Vote 5-0) (Change the zoning map to extend the existing Ponce de Leon Boulevard Mixed-Use District)

F-16: A Resolution of the City Commission of Coral Gables, Florida approving 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 mixed use 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 Calabria Avenue and 912 and 918 East Ponce de Leon Boulevard), Coral Gables, Florida; including required conditions; providing for an effective date. (06-13-18 PZB recommended approval with conditions, Vote 5-0) (Allow the proposed “Regency on the Park” to have a mix of uses).

Mayor Valdes-Fauli: F-3.

City Attorney Ramos: F-3, F-4, F-5 and F-16 are related. We can have one public hearing for all items that is consolidated. It is on Second Reading. I will go through and read all the titles and then let the applicant and Ramon put forth their recommendation. F-3 An Ordinance of the City Commission of Coral Gables, Florida amending 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 Amendment,” and small scale amendment procedures (ss. 163.3187, Florida Statutes), from “Residential Multi-Family Medium Density” 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 14 (100, 114 and 126 Calabria Avenue and 912 and 918 East Ponce de Leon Boulevard), Coral Gables, Florida, providing for a repealer provision, severability clause, and providing for an effective date. F-4 is 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), including required conditions; providing for a repealer provision, severability clause and providing for an effective date. F-5 is an Ordinance of the City Commission of Coral Gables, Florida amending the Zoning Map pursuant to Zoning Code Article 3, “Development Review,” Division 14, “Zoning Code Text and Map Amendments,” to extend the “North Ponce de Leon Boulevard Mixed-Use Overlay District” to include 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, severability clause and providing for an effective date; and F-16 is a Resolution of the City Commission of Coral Gables, Florida approving 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 mixed use 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 Calabria Avenue and 912 and 918 East Ponce de Leon Boulevard), Coral Gables, Florida; including required conditions; providing for an effective date.

Planning and Zoning Director Trias: Mayor the project has not changed, however the applicant has a couple of minor changes in the conditions and I believe all the issues with ownership of the public space was reserved recently by the City Attorney, maybe she can update you on that.

City Attorney Ramos: Yes. They proffered two restrictive covenants, as soon as Ramon is done with the presentation, I’ll explain the restrictive covenant.

Planning and Zoning Director Trias: I’m finished.

Commissioner Lago: He’s finished.

City Attorney Ramos: Oh, OK. There are two restrictive covenants on the property; one is tying the comp plan change to the site plan and this was proffered by the applicant; the second restrictive covenant is relating to how the park is going to be allowed to be used by the City. There is a park that is 5,000 square feet and it is part of the project. They are allowing for proffering a restrictive covenant on that park that will allow it for public use from dawn to dusk. There will be a fence surrounding the property that will be closed for security reasons once sundown occurs until sunup; and they are going to build out the park in conjunction with the City and our recommendations, they will maintain the park as well and that runs with the land. They are considering the idea of conveying the park to the City. Should they chose to do so, at some

point they will come back, at that time the City would remove the restrictive covenant, obviously; and they will be asking at that time if that occurs for park impact fees credit, which I believe is appropriate, but again that's an if. Right now the way that it would be done is as a restrictive covenant.

Mayor Valdes-Fauli: Thank you.

Commissioner Lago: Let me ask you a quick question in regards to that matter. Do my colleagues believe that that should be deeded over to the City now, or do you believe that they should be in control of the park?

City Attorney Ramos: So that is something that is being proffered by the applicant.

Commissioner Lago: Because I was always under the impression that it was going to be deeded over to the City.

Mr. Navarro: So for the record George Navarro, offices at 333 Southeast 2nd Avenue. The project, obviously, the initiative began by trying to provide as much ground level open space and green areas as possible. We are committing to providing a 6,000 square foot public park. It would be publicly accessible between sunrise and sunset. The developer has committed to maintaining and completely building out the park. We are still working with your City staff and your administration and your City Attorney on the details of the conveyance of the park. What we'll like to do is, obviously, unfortunately we have a tight window in which to purchase this lot. We'd like the project to move forward with the agreement that we've committed to making this a public park or actually be listed on your directory of public parks. It will look and feel just like a public park, except that currently it will be under private ownership and we hope to come back to you once we figure out the impact, the credit issue and all these details on the development incentives that will be given to a developer for the conveyance, we'll come back before you with that item, but the reason it's not here before you today is because of our timing issue, which I know that Commissioner Keon and Commissioner Lago helped us to stay on track and the Mayor as well, since we have a short window in which to purchase this one lot.

Mayor Valdes-Fauli: Thank you.

Mr. Navarro: We just haven't gotten into those fine details yet.

Mayor Valdes-Fauli: Thank you.

Commissioner Lago: So how can we make sure that this comes back before us and it's not lost?

Mayor Valdes-Fauli: We believe in their goodwill as we have done always.

Commissioner Lago: My question was for the City Attorney.

City Attorney Ramos: My way of securing that we would have that as a public park, whether we owned it or not, was by having a restrictive covenant proffered and signed today. That is bird in hand that will be recorded.

Commissioner Lago: Thank you.

City Attorney Ramos: If they chose to convey it in the future then it will come back, but we can't require them to do that.

Mayor Valdes-Fauli: OK. We have...

Mr. Navarro: We just need to figure out exactly what development incentives are and we are working with your City Manager's office on impact fee credits and things, but that is a more complex process.

Commissioner Lago: While I value your word...

Mr. Navarro: I think your City Attorney has done a good job of making sure that before we even came before you here today that agreement has been signed, pen on paper has been submitted, so the project will have a publicly accessible 6,000 square foot open space that will be completely maintained and paid for by the developer and available to the public and we hope to eventually make that a city-owned asset.

Mayor Valdes-Fauli: Maria Estupinan, thank you. Now we can address that.

City Clerk Foeman: Excuse me; you have to be sworn in. Raise your right hand. Do you solemnly swear or affirm that the testimony you will proffer today would be the truth and nothing but the truth.

Ms. Estupinan: Yes sir. I'm just very concerned about the over development that we have in the City and it keeps changing the notification constantly from two stories, you know the lot can go up to seven and eight; and then you talk about traffic constantly. There is no problem with the traffic. The problem is being caused by you people that are allowing this notification to be changed and to have an over developing situation here. It's awful. We have spent now like about

two hours on scooters instead of discussing things that are extremely important. We have enough problems with the bicycles, now we are going to have scooters on top of everything else. So anyway, I just want to make sure and I wanted to put it on the record that people should be aware that there is an Agenda 21 going on here. It has been already established and it's been pushed very drastically. Some of you say that you don't know what Agenda 21 is, so with your permission Mr. Mayor, I'm going to give every one of you people a brochure so next time that we talk about Agenda 21, you cannot say you don't know what it is. It is against the Constitution of the United States of America and what you are doing is criminal. Thank you.

Mayor Valdes-Fauli: Thank you ma'am. I got mine already. Alright. Do I hear a motion?

Mr. Navarro: If I could just sir, I apologize, Mr. Mayor there are just a few housekeeping matters that we wanted to address regarding the conditions of approval, which we've spoken with your Planning Director and the City Manager's office and your City Attorney, I believe they are OK with them, but we'd just like to clarify them for the record. The first is obviously the profferance of the covenant that your City Attorney has explained; the second is just to modify condition number 2(a) to clarify that its 152 residential dwelling units and 12 live/work units. There have been some changes that we've made between First and Second Reading. The second is there was a contribution that the developer was going to give \$125,000 toward a Galiano project. In lieu of that we have committed to actually installing and creating a streetscape on both sides of the frontage directly across from our project, so we'd like to delete that condition and instead of that go ahead and install a similar streetscape that we are creating on the west side of east Ponce. We want to create it on the east side of east Ponce and also do the same on the north side of Galiano, that way we tie the whole neighborhood together since we are going to be coming in with this project that has all this open space and paseos now. And the last comment was a comment that I think this Commission has expressed concerns with is work with the neighbors who want to work with your Parking Department to try to preserve as many of the angled parking spaces that we can that are currently on east Ponce. These are spaces that are used by the residents of the neighborhood and also could be used by the employees and customers of our future projects, so we'd like to try to work to preserve all those spaces, if we provide parallel parking spaces there with the bump-outs...

Commissioner Lago: Significant spaces.

Mr. Navarro: Yes. So those are the only items that we'd like to clarify, hopefully with those modified conditions if we can get your support.

City Attorney Ramos: In addition, there is one e-comment that was submitted by Mr. Brett Gillis. It states, "I respectfully object to this PAD as proposed as it conflicts with what we are promised

in the North Ponce Comprehensive Zoning Plan. A change like this could go through workshops and neighbors and academics. This PAD is also commercial intrusion into what neighborhoods would totally remain residential, similar to what happened at the A Loft development on LeJeune with prior Commission. Please consider the long term effects on our...district. Thank you.”

Commissioner Lago: The only item that I had between First and Second Reading was the issue of ensuring that we have nice quality size specimen trees. I think the developer was more generous in regards to the open space and also the issue of the park and along with committing to and this is across the board, I’m bringing this up at every project. I don’t want to drive by this new project saying these...trees that take 30 years to get some shade. So let’s start moving in that direction. I know that’s geared toward Peter, but I think that we as a Commission agree that that was critical to start holding developers a little bit more accountable when it comes to the size and the caliper of the tree. So I just want to make sure we put that in the record.

Mayor Valdes-Fauli: Do I hear a motion?

Commissioner Lago: And I’ll make the motion.

City Attorney Ramos: We need four separately motions.

Commissioner Keon: Could you repeat for me what the numbers are – we changed...?

Mr. Navarro: So yes. There are 12 live/work units on the ground floor.

Commissioner Keon: Right.

Mr. Navarro: Those are the ones we added some that are actually facing the park to try to activate the park and create a sense of environment there; and then also its 152 dwelling units.

Commissioner Keon: OK.

Mayor Valdes-Fauli: OK. You make a motion.

Commissioner Keon: I’ll make a motion.

City Attorney Ramos: On F-3.

Mayor Valdes-Fauli: Is there a second?

Commissioner Keon: I'll second.

Mayor Valdes-Fauli: OK. Will you call the roll please?

Commissioner Mena: Yes

Vice Mayor Quesada: Yes

Commissioner Keon: Yes

Commissioner Lago: Yes

Mayor Valdes-Fauli: Yes

(Vote: 5-0)

Mayor Valdes-Fauli: Can I get another motion?

City Attorney Ramos: On F-4.

Commissioner Lago: So moved.

Commissioner Keon: Second.

Mayor Valdes-Fauli: Will you call the roll please?

Vice Mayor Quesada: Yes

Commissioner Keon: Yes

Commissioner Lago: Yes

Commissioner Mena: Yes

Mayor Valdes-Fauli: Yes

(Vote: 5-0)

City Attorney Ramos: F-5.

Commissioner Lago: Yes – so moved.

Commissioner Keon: I'll second it.

Mayor Valdes-Fauli: Will you call the roll please?

Commissioner Keon: Yes

Commissioner Lago: Yes

Commissioner Mena: Yes

Vice Mayor Quesada: Yes
Mayor Valdes-Fauli: Yes
(Vote: 5-0)

City Attorney Ramos: F-16.

Commissioner Lago: So moved.

Commissioner Keon: Second.

Mayor Valdes-Fauli: Will you call the roll please?

Commissioner Lago: Yes
Commissioner Mena: Yes
Vice Mayor Quesada: Yes
Commissioner Keon: Yes
Mayor Valdes-Fauli: Yes
(Vote: 5-0)

Mayor Valdes-Fauli: Alright.

Speaker: Quick word if I could? Sir, just a big thank you very much. Also on the tree issue, I heard Commission Quesada and Commissioner Lago and Keon and the rest of you; we've already pulled the palms out of the...no palms, nice trees.

Commissioner Lago: Thank you.

Speaker: And on the conveyance, we'll work on it and we'll get there.

Commissioner Lago: Thank you sir.

Mayor Valdes-Fauli: You are not going to plant mature bonsai's are you?

Speaker: No.

Mayor Valdes-Fauli: Alright.

[End: 3:36:04 p.m.]

