

City of Coral Gables
Planning and Zoning Board Meeting
Summary Minutes of March 10, 2010
Coral Gables City Commission Chambers
405 Biltmore Way, Coral Gables

Members:	2009										2010										Appointed by:
	M11	Ap15	M13	Jn3	J8	S16	N4	J13	F10	M10	M11	Ap15	M13	Jn3	J8	S16	N4	J13	F10	M10	
Eibi Aizenstat	P	-	P	P	E	P	P	P	C	P											City Manager
Robert Behar	P	-	P	E	P	P	P	P	C	P											Commissioner Rafael "Ralph" Cabrera, Jr.
Jack M. Coe	P	-	P	E	P	P	P	P	C	P											Mayor Donald D. Slesnick, II
Jeffrey Flanagan	P	-	P	P	P	P	P	P	C	P											Commissioner Maria Anderson
Pat Keon	P	-	E	P	P	P	P	P	C	P											Planning & Zoning Board
Tom Korge	P	-	P	P	P	P	P	E	C	P											Commissioner Wayne "Chip" Withers
Javier Salman	P	-	P	P	P	P	P	P	C	P											Vice Mayor William H. Kerdyk Jr.

P = Present

E = Excused

U = Unexcused

C = Meeting Cancelled

City Staff:

Eric Riel, Jr., Planning Director

Walter Carlson, Asst. Planning Director

Jill Menendez, Adm. Assistant

Applicant:

Ryan D. Bailine, Esq.

Albert Cordoves, Corwil Architects

Christopher Heggen, Kimley-Horn and Associates, Inc.

Speakers:

Ernesto Murias

Lillian Gonzalez

Tom Korge, Chairperson, called the meeting to order at 6:03 p.m. Ms. Jill Menendez called the roll, and it was concluded that a quorum was present (five members).

APPROVAL OF JANUARY 13, 2010 PLANNING & ZONING BOARD MEETING SUMMARY MINUTES

The Board indicated there were no corrections to the minutes. Jeff Flanagan made a motion to approve the Minutes, motion was seconded by Jack Coe, and approved as follows:

Roll Call: Robert Behar, Jack Coe, Jeff Flanagan and Eibi Aizenstat (all ayes); Tom Korge (abstained).

AGENDA ITEM NO. 5

Application No. 07-09-088-P. Change of Land Use, Rezoning and Site Plan Review. Review of one development proposal which includes three (3) separate applications for the proposed commercial project referred to as the "Riviera Professional Office Building", requesting the following:

1. Change of Land Use. An Ordinance of the City Commission of Coral Gables amending the Future Land Use Map of the Coral Gables Comprehensive Plan pursuant to small scale amendment procedures subject to ss. 163.3187, Florida Statutes, from "Residential Use (Multi Family) Low Density" to "Commercial Use, Low-Rise Intensity" for a 0.59 acre parcel, legally described as Lots 17-19, Block 92, Riviera Section Part 2 (5100-5118 Riviera Drive), Coral Gables, Florida; providing for a repealer provision, a savings clause, and a severability clause, and providing for an effective date.
2. Chang of Zoning. An Ordinance of the City Commission of Coral Gables approving a change of zoning from Multi-Family 2 District (MF2) to Commercial Limited (CL) for a 0.59 acre parcel, legally described as Lots 17-19, Block 92, Riviera Section Part 2 (5100-5118 Riviera Drive), Coral Gables, Florida; providing for a repealer provision, a savings clause, and a severability clause, and providing for an effective date.
3. Site Plan Review. An Ordinance of the City Commission of Coral Gables granting site plan approval for the construction of a 3 story/45' high, 14,590 sq. ft. commercial office building on the property legally described as Lots 17-19, Block 92, Riviera Section Part 2 (5100-5118 Riviera Drive), Coral Gables, Florida; and including required conditions; providing for a repealer provision, a savings clause, and a severability clause, and providing for an effective.

Walter Carlson, Assistant Planning Director, presented the application to the Board. PowerPoint Presentation regarding Riviera Professional Office Building is attached as Attachment B. In conclusion, Staff recommends approval of the change of land use, rezoning and site plan with the following conditions: 1) conformance with the site plan, landscaping plan and all representation and exhibits prepared and submitted by the applicant; 2) submittal of a Restrictive Covenant outlining all conditions of approval; 3) if nighttime uses are proposed, compliance shall be required with the performance standards for nighttime uses specified in the Zoning Code; 4) parking lot lights shall be turned off at 9 p.m., Monday through Sunday; no building signage shall be permitted on the east and south building elevations; existing mangrove growth along the canal bank shall be protected during construction; 5) if the proposed project is not constructed or development approval lapses, future development of the property shall have a maximum height of 45'; and, 6) the applicant has reviewed and agrees with the recommended conditions.

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The application is scheduled for First Reading by the City Commission on Tuesday, March 23, 2010.

Mr. Carlson concluded his presentation and indicated he would address any questions the Board might have.

Robert Behar had questions regarding the maximum allowed square footage as of right and required parking spaces. Mr. Carlson confirmed that the maximum allowed would be 91,070 square feet with Mediterranean bonus, and regarding parking requirements, 49 parking spaces are being provided on site.

Mr. Korge stated for the record the arrival of Pat Keon and Javier Salman.

Mr. Korge asked if the applicant will be permitted to install docks at a later time. Dockage is not a permitted use within the commercial zoning district. It was proffered by the applicant that the docks would be removed prior to the issuance of the Certificate of Occupancy (CO).

It was confirmed that separate motions would be considered by the Board for this application, one of the Local Planning Agency (LPA) item and one for the Planning and Zoning Board items. The applicant, Mr. Ryan Bailine with Shutts and Bowen LLP, offices at 201 Biscayne Boulevard addressed the Board; indicated that he and the project architect would answer any questions the Board would have. Mr. Bailine also mentioned that a neighborhood meeting was held on February 2, 2010, at the Holiday Inn Coral Gables located at 1350 S. Dixie Highway. Indicated that about 12 neighbors attended the meeting and were in favor of the project. Thereafter, Mr. Bailine entered into the record an affidavit and sign in sheet of the neighborhood meeting (see Attachment C).

Mr. Coe asked that applicant if he agreed with Staff's conditions of approval as well as concur with Staff's Findings of Facts. Mr. Bailine agreed to all of Staff's recommended conditions of approval.

Eibi Aizenstat had questions regarding buffering; he noticed buffering on the project between the property line and the neighbor and asked what the applicant was planning to do to the canal on the back. The project's architect, Albert Cordoves, of Corwil Architect with offices at 4101 Laguna Street addressed the Board and stated substantial landscaping, a hedge and a canopy of trees along the back will be provided.

Mr. Behar agreed that additional buffering on the waterway is needed and asked if any neighbors were oppose to the building. Mr. Cordoves, project architect, commented that overwhelming comments that the neighbors made were that the building would buffer noise and light coming from South Dixie.

Javier Salman stated the project would be a positive addition to area, however, would like further screening for parking on the ground floor. It was pointed out that the property is surrounded by hedges and wall. Board agreed it would be an overall improvement to what is there today, a vacant

lot. As an owner occupied building, the applicant agreed with Mr. Behar that additional landscaping within the parking area can be done and would be installed along the back.

Pat Keon had concerns regarding traffic and it being redirected into the residential area on Riviera Drive. It was clarify that traffic from the driveway will be directed to both directions, U.S. 1 and Riviera Drive. Jeff Flanagan had concerns regarding traffic back up on Riviera Drive. Christopher Heggen of Kimley-Horn and Associates, with office at 4431 Embarcadero Drive, West Palm Beach, addressed the Board. He indicated a traffic impact analysis was done that studied the intersection of Riviera Drive and U.S. 1. The project was determined to have little intrusion into the neighborhood to the south of the project and have minimal impact on the intersection of Riviera Drive and U.S.1.

There was further discussion regarding one of the conditions of approval as it relates to night time lighting in the parking lot of the project. Some night time parking lot lighting will be provided for safety proposes as required to meet current Zoning Code requirements.

Two speakers were present:

Ernesto Murias, resident of 5308 Riviera Drive. He expressed concerned that the proposed building will be entirely facing onto Riviera Drive, a residential street, as oppose to other commercial buildings which face onto U.S. 1. The building would be entirely on Riviera Drive and therefore would not be compatible with the residential neighborhood on Riviera Drive. Project would also increase traffic when traffic is already terrible. This building will sit right next to residential homes.

Lillian Gonzalez, resident of 5300 Riviera Drive. Resident of 13 years and neighbor of Mr. Murias. She expressed concern about traffic that blocks and backs up U.S. 1 and numerous accidents in the area. She agrees with Mr. Murias that the building will be entirely on a residential street; other commercial buildings have access and exit through different streets. She was concerned about the usage of the office, especially medical offices with high volume of patients and parking overflowing into residential area. She was also concerned about traffic and not be able to get out of her house because of traffic back up on Riviera Drive. Would prefer the property to stay residential or a residential building than a professional office building, and that traffic would mostly be in the morning and evening when people come home. Will no longer enjoy view of Florida Pine or large trees that buffered the subject property but instead a view of a big piece of concrete. The new trees will not cover a three story office building.

Applicant believes that under the proposed zoning, medical offices are not permitted. Staff verified that medical office could be built on the property. Building will be owner occupied, currently a real estate, property management usage and not medical offices. The applicant would not oppose an additional condition that no medical offices be permitted and make it part of the Restrictive Covenant.

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Mr. Flanagan asked what could currently be built on the property. Currently under the multi-family zoning could allow building of up to 6 stories or 77 feet in height and about 12 to 15 residential units would be allowed, and with Mediterranean bonuses and architectural features, 102 feet high building.

Mr. Behar stated there is potential that a bigger more invasive project could be developed instead of proposed professional office building. Applicant will be more than willing to work and agreed with additional buffer conditions, including installing more mature trees. Further discussion took place regarding frontage of building compared to other commercial buildings on U.S. 1. Ms. Keon stated that the Planning Department should look into more of these details instead of the Board of Architects (BOA). It was clarified that the BOA reviews issues such as fronting of properties, and architectural elements to soften building projects.

Mr. Aizenstat appreciates that the applicant has placed the massing of this building/project towards U.S. 1 instead of the building being setback against the residential neighborhood. The Board had further discussion about traffic in the area of this project. Ms. Keon stated that a traffic problem exist. Mr. Aizenstat also asked how many offices are being proposed. Mr. Cordoves commented there are two floors, 6 private offices and a big open room with cubicles on both floors for staff purposes.

There being no further discussion or questions by the Board, Mr. Coe, considering the LPA portion of the application, made a motion, that the Local Planning Agency approved the finding of facts as found by Staff, which was second by Mr. Salman and approved as follows:

Roll Call: Jack Coe, Jeff Flanagan, Pat Keon, Javier Salman, Eibi Aizenstat, Robert Behar, and Tom Korge (all ayes) (Approved 7-0)

Regarding the Change of Zoning and Site Plan Review portion of the application, Mr. Coe, made a motion, to adopt the finding of facts as set out by Staff on Page 7 thru 14 and the restrictions and conditions set out by Staff and agreed to by the applicant. The Board amended the motion to include 3 additional conditions: 1) Medical offices and clinics shall not be permitted on the subject property for this proposal or any future proposals. (This limitation will be included within the Restrict Covenant.); 2) The trees along the east property line shall be a minimum height of 25 feet at time of installation; and, 3) Parking spaces 26 and 27 on the proposed site plan shall be reconfigures to provide additional landscape buffer, subject to review and approval by the Public Service Director. No loss of parking shall be permitted. Amendments were second by Mr. Salman.

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

Roll Call: Jeff Flanagan, Javier Salman, Eibi Aizenstat, Robert Behar, Jack Coe and Tom Korge (all ayes); Pat Keon (nay) (Approved 6-1)

March 10, 2010 - Planning and Zoning Board Meeting

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Mr. Riel stated for the record, the application is scheduled for First Reading by the City Commission on Tuesday, March 23, 2010. Also for the record, Ms. Keon asked Staff to look at any other future buildings to be considered facing the highway.

Next Planning and Zoning Board Meeting is scheduled for April 14th, the meeting was adjourned at 7:10 p.m. Several members noted that they would not be able to make the April 14th meeting.

Attachments:

- A. 03 10 2010 Speaker Sign In Sheet.
- B. PowerPoint Presentation by City Staff re: Riviera Professional Office Building.
- C. Document entered into record by the applicant's attorney, Ryan D. Bailine, Esq.

Summary minutes prepared by Jill Menendez.

**Planning & Zoning Board Meeting
Attendance/Speaker Sign In Sheet – March 10, 2010**

(If you wish to be a speaker, please check the appropriate box)			
Name	Mailing Address	Phone	
1. ERNESTO MURIA	5308 RIVIERA DR	305-661-8716	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
2. Lillian S. Gonzalez	5300 Riviera Dr.	305-661-0907	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
3.			<input type="checkbox"/> YES <input type="checkbox"/> NO
4.			<input type="checkbox"/> YES <input type="checkbox"/> NO
5.			<input type="checkbox"/> YES <input type="checkbox"/> NO
6.			<input type="checkbox"/> YES <input type="checkbox"/> NO
7.			<input type="checkbox"/> YES <input type="checkbox"/> NO
8.			<input type="checkbox"/> YES <input type="checkbox"/> NO
9.			<input type="checkbox"/> YES <input type="checkbox"/> NO
10.			<input type="checkbox"/> YES <input type="checkbox"/> NO
11.			<input type="checkbox"/> YES <input type="checkbox"/> NO
12.			<input type="checkbox"/> YES <input type="checkbox"/> NO
Attachment <u>A</u>			

Riviera Professional Office Building

Change of Land Use, Rezoning and Site Plan Review

03.10.10 Planning and Zoning Board Meeting

Request:

- The applicant has filed 3 requests:
 - Change of land use from "Residential Use (Multi-Family) Low Density" to "Commercial Use, Low-Rise Intensity".
 - Change of zoning from "MF2", Multi-Family Residential to "CL", Commercial Limited.
 - Site plan review of a proposed commercial/office project.

03.10.10 PZB meeting

2

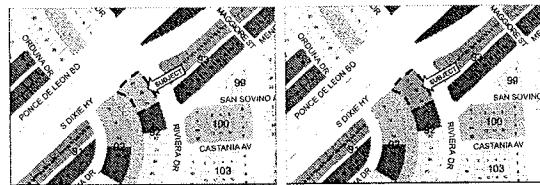
Background:

- Property is the former site of the Riviera Court Motel and is located on the southeast corner of Riviera Drive and U.S.1.
- Property is currently vacant, and backs on to the Coral Gables Waterway Canal.
- A 3 story, 12 unit apartment building was proposed to be constructed on the site.
- Property owner abandoned that proposal and now wishes to construct the commercial office building.

03.10.10 PZB meeting

3

Existing and proposed Land Use designations:



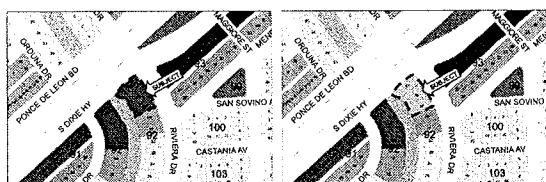
Existing Land Use:
"Residential Use (Multi-Family) Low Density"

Proposed Land Use:
"Commercial Use, Low-Rise Intensity"

03.10.10 PZB meeting

4

Existing and proposed Zoning designations:



Existing Zoning:
MF2; Multi-Family 2 District

Proposed Zoning:
CL; Commercial Limited District

03.10.10 PZB meeting

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Area characteristics:

- Proposed Commercial Limited (CL) zoning designation will restrict more intense commercial uses and limits all night-time activities adjacent to residential neighborhoods.
- Existing development pattern in this area consists of :
 - Commercial and medium density multi-family development along U.S.1.
 - Lower density residential development behind U.S.1.

03.10.10 PZB meeting

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Proposed project:

- Property is 0.6 acres in size.
- Commercial office project is 3 stories/45' in height, contains 14,590 sq. ft. of office space and 49 on-site parking spaces.
- Mediterranean development bonuses are not being requested.
- Single vehicular curb cut onto Riviera Drive.
- Six (6') foot high masonry wall and trees along east property line is proposed to buffer the existing duplexes.

03.10.10 PZB meeting

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Proposed project (cont.):

- Proposed office building is located towards U.S.1, away from the adjoining duplex properties.
- Existing mature Black Olive trees along Riviera ROW would remain, with two additional trees added to complete streetscape.
- Additional canopy trees and landscaping is provided around the perimeter of the property, around the parking lot and along the canal .

03.10.10 PZB meeting

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Permitted development:

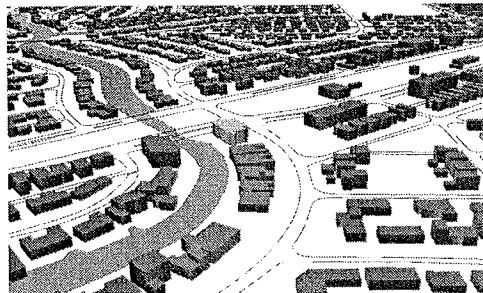
- Proposal is a significantly smaller project in both size and height than could be constructed on the site if the maximum existing or proposed development potential was utilized:

Category	Permitted under existing Multi-Family land use and zoning	Permitted under proposed Commercial land use and zoning	Applicant's proposal
FAR (square feet)			
- w/o Med bonus	1.4 FAR (36,428 sq. ft.)	3.0 FAR (70,000 sq. ft.)	0.56 FAR (14,590 sq. ft.)
- with Med bonus	N/A	3.5 FAR (91,070 sq. ft.)	N/A
Height (stories/feet)			
- w/o Med bonus	4 stories/50 feet	4 stories/50 feet	3 stories/45 feet
- with Med. bonus	6 stories/77 feet	6 stories/77 feet	N/A
- with 25' arch. features	6 stories/102 feet	6 stories/102 feet	N/A
Residential units			
- w/o Med. bonus	12 multi-family units	N/A	N/A
- with Med. bonus	15 multi-family units	N/A	N/A

03.10.10 PZB meeting

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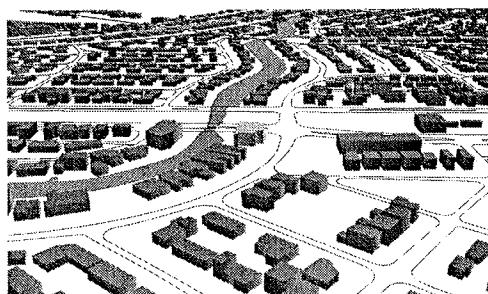
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03.10.10 PZB meeting

10

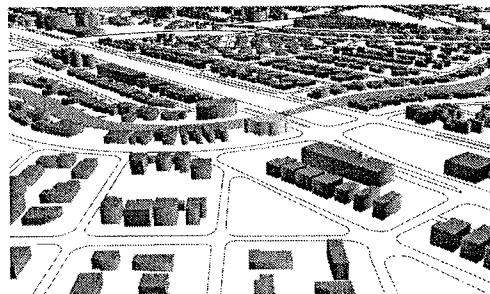
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03.10.10 PZB meeting

11

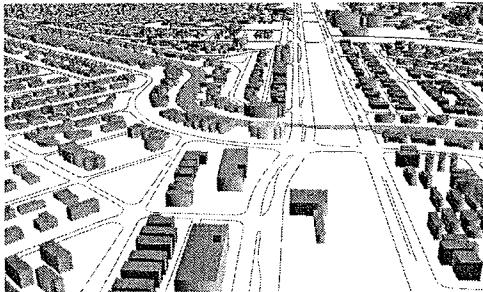
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03.10.10 PZB meeting

12

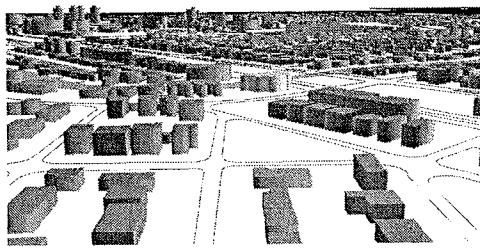
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03.10.10 PZB meeting

13

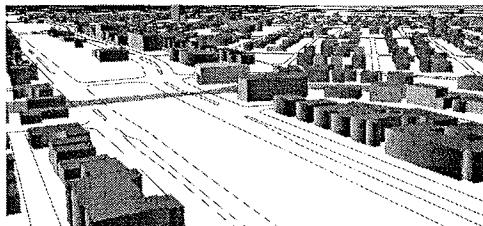
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14

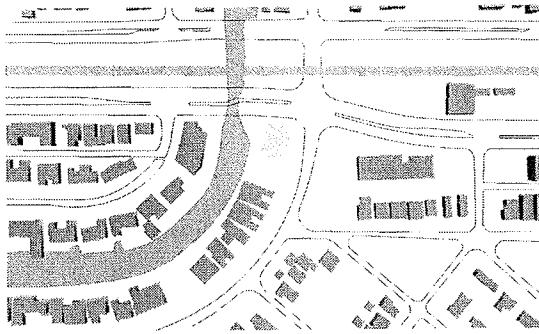
3-D model:



03.10.10 PZB meeting

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3-D video:



03.10.10 PZB meeting

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Findings of fact:

- Application is consistent with Comprehensive Plan (CP) Goals, Objectives and Policies.
- Recommended conditions of approval address CP inconsistencies.
- Satisfies Zoning Code standards for CP map amendments, rezoning and site plan review.
- Commercial Limited zoning will restrict more intense commercial use and all nighttime activities.

03.10.10 PZB meeting

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Findings of fact (continued):

- A substantially smaller project is proposed than could be constructed on the property.
- If not developed as intended, future development on the subject property would be limited to a maximum height of 45'.
- Conditions on development including limitations on lighting, signage, nighttime activities and other considerations that will mitigate potential adverse impacts of the project (applicant has agreed to these conditions).

03.10.10 PZB meeting

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Findings of fact (continued):

- Applicant has satisfactorily addressed all City Department comments.
- A neighborhood resident's meeting was conducted to allow for review and comments by surrounding property owners.

03.10.10 PZB meeting

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Staff recommendation:

- The Planning Department recommends approval of the change of land use, rezoning and site plan with conditions:
 - Conformance with the site plan, landscaping plan and all representations and exhibits prepared and submitted by the applicant.
 - Submittal of a Restrictive Covenant outlining all conditions of approval.

03.10.10 PZB meeting

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Conditions (continued):

- If nighttime uses are proposed, compliance shall be required with the performance standards for nighttime uses specified in the Zoning Code.
- Parking lot lights shall be turned off at 9 p.m., Monday through Sunday.
- No building signage shall be permitted on the east and south building elevations.
- Existing mangrove growth along the canal bank shall be protected during construction.

03.10.10 PZB meeting

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Conditions (continued):

- If the proposed project is not constructed or development approval lapses, future development of the property shall have a maximum height of 45'.
- The applicant has reviewed and agrees with the recommended conditions.

03.10.10 PZB meeting

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Timeline:

- This application is scheduled for First Reading by the City Commission on Tuesday, March 23, 2010.

03.10.10 PZB meeting

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Attachment C

ENTERED AS EXHIBIT Ryan Bailine A1

BY NUMBER

THE PLANNING AND ZONING BOARD

ON 03.10.2010

DATE

JM

INITIALS

AFFIDAVIT OF RYAN D. BAILINE, ESQ.

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)
)
)SS

BEFORE ME, the undersigned authority, personally appeared Ryan D. Bailine, Esq., who after being first duly sworn, deposes and says as follows:

1. My name is Ryan D. Bailine.
2. I am an attorney duly licensed to practice law in the State of Florida.
3. I am a partner with the law firm of Shutts & Bowen LLP.
4. Lots 17-19 Riviera, LLC is a client of Shutts & Bowen LLP.
5. On Tuesday, January 26, 2010, Shutts & Bowen LLP sent, via United States mail, approximately 288 mailing notices to the Coral Gables residents living within One Thousand (1000) feet of the proposed Riviera Professional Office Center (5100 -5118 Riviera Drive).
6. The mailing notices contain detailed information concerning the upcoming February 2, 2010 Neighbors meeting at the Holiday Inn located at 1350 S. Dixie Highway, Coral Gables.
7. Georgina Cabrera, data researcher for Property Owners Data Research, prepared the address list and certified the list as complete and accurate according to the Miami-Dade County ad valorem tax records.
8. I make this Affidavit from personal knowledge and the statements set forth in this Affidavit are true and correct, and if called to testify to the same, I could and would do so.

FURTHER AFFIANT SAYETH NAUGHT.

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)
)SS

Ryan Q. Bajline, Esq.

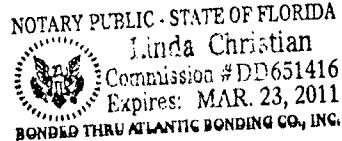
The foregoing instrument was acknowledged before me by Ryan D. Bailine, Esq., who is (personally known to me) or (has produced) _____ as identification and who did take an oath.

Dated this 3 day of February, 2010.

Linda Christian
NOTARY PUBLIC, State of Florida

Type/Print Name of Notary Public
My commission expires:

MIADOCs 4042521 1



RIVIERA PROFESSIONAL OFFICE CENTER

5100 – 5118 Riviera Drive

February 2, 2010
Holiday Inn Coral Gables – University of Miami
1350 South Dixie Highway
Coral Gables, FL 33146
Granada Suite

Name _____

East Ryals
Ann Anderson

Nathan Vedvar;

Alfred and Susan Feingold

Jim & Marta Nutson
Warren Friedman

Property Address

5201 Order # 249
" Coral Gables

5122 Riviera Dr., Corduba, FC

5310 Maggiora St Coral Gables, FL 33146

5133 Riviera Dr. LG 33146

467 Menendez Avenue CG 33146