

# **DAVID J. WINKER, P.A.**

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*Via Email and U.S. Mail*

Planning and Zoning Board  
City of Coral Gables  
2151 Salzedo Street  
Coral Gables, Florida 33134

Attn. Jennifer Garcia, Planning & Zoning Director [jgarcia4@coralgables.com](mailto:jgarcia4@coralgables.com)

RE: Planning and Zoning Application 26-1692 by FRC Realty, LLC re. 110 Phoenetia Ave

Dear Chair and Members of the Planning and Zoning Board:

I respectfully urge the Planning and Zoning Board to recommend denial of the applications submitted for the proposed Crystal Residences project at 110 Phoenetia Avenue. The requested land use amendment, rezoning, Planned Area Development ("PAD"), and Conditional Use approvals are inconsistent with the Coral Gables Comprehensive Plan, conflict with the City's adopted planning policies, undermine the protections afforded to the North Ponce neighborhood, and are incompatible with the surrounding residential and historic context.

The subject property is located within an established residential neighborhood and is presently designated for religious and institutional uses. The existing zoning permits a maximum building height of four stories. Surrounding development consists primarily of one- and two-story structures, with only a limited number of three-story buildings and a single four-story building in the immediate vicinity. Four single-family homes directly abut the project site.

The neighborhood possesses significant historic value. Phoenetia Avenue contains six historically designated structures and Antilla Avenue contains three additional historic structures. Moreover, the area is currently being evaluated for Historic District designation. These facts are critical because historic preservation is not limited to protecting individual buildings. It also requires preserving neighborhood scale, massing, architectural context, and the overall character that makes Coral Gables unique.

The proposed project would replace the existing institutional campus with a nine-story, 93-foot-tall structure containing 184 residential units, 16 live/work units, approximately 226,193 square feet of

development, and a 301-space parking garage. Such a dramatic increase in density and intensity is fundamentally incompatible with the surrounding neighborhood.

Section 1-103 of the Coral Gables Zoning Code expressly provides that the Code exists to implement the Comprehensive Plan, preserve Coral Gables' historic and architectural character, honor George Merrick's vision for the City, protect residential neighborhoods from incompatible development, and ensure compatibility between new development and surrounding uses. The proposed project fails each of these objectives. Rather than preserving neighborhood character, it would permanently transform it. Rather than providing compatibility, it introduces a scale and intensity wholly inconsistent with adjacent residential and historic properties.

The proposal is likewise inconsistent with the purpose and intent of the North Ponce Neighborhood Conservation Overlay District. The City Commission adopted that Overlay specifically to preserve the historic garden apartment character of the North Ponce neighborhood and to protect its traditional development pattern. Significantly, the Applicant seeks removal of the property from the Overlay because the project cannot comply with the standards designed to preserve neighborhood character. If the development were truly compatible with the surrounding area, removal from the Overlay would not be necessary.

The project also conflicts with the Coral Gables Historic City Plan, which was unanimously adopted to preserve the City's historic character and ensure that future development remains compatible with existing neighborhoods. The Historic City Plan emphasizes maintaining neighborhood scale and protecting transitions between higher-intensity corridors and residential areas. A nine-story building adjacent to single-family homes and historic structures is inconsistent with these objectives.

Additionally, the proposal directly contradicts the recommendations developed through the North Ponce Community Vision process. Community participants repeatedly emphasized the importance of preserving the garden apartment character of the neighborhood, maintaining building heights generally between two and four stories, and preserving neighborhood scale. The Vision process also contemplated expanding public open space opportunities, including possible park uses. The proposed project ignores these recommendations and instead introduces a level of development intensity that the community expressly rejected.

Serious traffic and infrastructure concerns also remain unresolved. The project includes a 301-space parking garage and combines residential, live/work, educational, visitor, service, and delivery traffic on narrow neighborhood streets. Although the Staff Report concludes that impacts can be addressed through future monitoring and possible future improvements, such deferred mitigation does not eliminate existing concerns regarding traffic, livability, and neighborhood impacts. The need for future studies and future corrective measures suggests that significant impacts remain uncertain and unresolved.

The Applicant's request for Planned Area Development approval should also be denied. PAD approval is intended to encourage exceptional projects that provide meaningful public benefits in exchange for zoning flexibility. Here, the primary benefits flow to the Applicant through increased density, height,

and development rights. The purported public benefit consists largely of an interior courtyard associated with a private school and available to the public only during limited times. Such restricted access is not equivalent to meaningful public open space and does not justify the substantial departures from the underlying zoning regulations being requested.

Finally, the requested approvals raise significant spot-zoning concerns. The Applicant seeks a Comprehensive Plan amendment, rezoning, Overlay modification, PAD approval, and Conditional Use approval for a single parcel. Florida courts have long recognized that zoning actions must bear a substantial relationship to the public welfare and should not arbitrarily confer special benefits upon individual property owners. See *Hartnett v. Austin*, 93 So. 2d 86 (Fla. 1956); *City of Miami Beach v. Lachman*, 71 So. 2d 148 (Fla. 1953). The Board should carefully evaluate whether the requested changes serve a legitimate public purpose or merely facilitate a private development proposal that is incompatible with the surrounding neighborhood.

This application presents a fundamental question regarding the future of the North Ponce neighborhood. Approval would remove longstanding neighborhood protections, undermine adopted planning policies, alter the historic character of the area, and establish a precedent for future requests seeking similar departures from the City's Comprehensive Plan and zoning framework.

For these reasons, I respectfully request that the Planning and Zoning Board recommend denial of:

1. The Future Land Use Map Amendment;
2. The Rezoning to Mixed Use-2;
3. Removal from the North Ponce Neighborhood Conservation Overlay District;
4. The Planned Area Development application; and
5. The Conditional Use application.

Thank you for your consideration and for your continued commitment to preserving the character, history, and planning principles that have made Coral Gables one of Florida's most distinctive communities.

Thank you,

*s/davidjwinker*  
David Winker, Esq.

cc:

Cristina Suarez, Esq., Office of the City Attorney [csuarez@coralgables.com](mailto:csuarez@coralgables.com)

Billy Urquia, City Clerk [burquia@coralgables.com](mailto:burquia@coralgables.com)